

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **17.11.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.2256 of 2014 and
M.P.No.1 of 2014

1.A.K.Valliammal
2.K.Vasantha
3.K.Santha

...Petitioners

versus

1.Denzil Fernandes
2.Jude Fernandes

3.The District Collector,
Kancheepuram District,
Office of the Collectorate Complex,
Kancheepuram.

4.The Revenue Divisional Officer,
Tambaram Division,
G.S.T.Road, Taluk Office Complex,
West Tambaram, Chennai -45.

5.The Tahsildar,
Tambaram Taluk,
G.S.T.Road, Taluk Office Complex,
West Tambaram, Chennai -45

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order and decretal order dated 17.03.2014 made in I.A.No.83 of 2014 in O.S.No.197 of 2011 on the file of the District Munsif Court, Tambaram.

For Petitioners : Mr.C.Selvaraj, Senior Counsel for
M/s.C.S.Associates

For Respondents : Ms.T.Jayalakshmi for
M/s.Paul and Paul for R1 and R2

ORDER

This Civil Revision Petition is directed against the order dated 17 March 2014 in I.A.No.83 of 2014 dismissing the application filed by the petitioners to summon the respondents 4 and 6 to give evidence.

2. Heard the learned Senior Counsel for the petitioners and the learned counsel for the respondents 1 and 2.

3. The application filed by the petitioners to summon the respondents 4 and 6 was dismissed only on the ground that the petitioners have already adduced evidence and it is for them to prove their case independently without relying on other parties to the suit, who have not chosen to appear before the Court.

4. The petitioners wanted the authorities to produce documents and to give evidence. It would not be possible for the petitioners to prove certain aspects connected with the local body or the revenue department, unless, the concerned authorities are summoned in Court as witnesses. The learned Trial Judge was not correct in dismissing the

application for the reasons indicated in the order impugned in this Civil Revision Petition.

5. In the result, the order dated 17 March 2014 is set aside. The application in I.A.No.83 of 2014 is allowed.

6. The Civil Revision Petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

17.11.2016

Index:Yes/No
svki
To

The District Munsif Court, Tambaram

K.K.SASIDHARAN, J.

(svki)

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