

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.12.2016

Coram:

THE HONOURABLE MRS.JUSTICE **PUSHPA SATHYANARAYANA**

C.R.P.(PD).22 of 2015
and
M.P.No.1 of 2015

- 1.The District Collector,
having Office at Collectorate Compound,
Salem Town.
- 2.The Assistant Director of Town Panchayath,
having office at Collector Office Compound,
Salem.
- 3.The Executive Officer,
having office at Town Panchayath Office,
Valappaddy Town & Taluk,
Salem District

... Petitioners

vs.

- 1.D.Moorthy
- 2.D.Chandramohan
- 3.D.Kannan

.... Respondents

Petition filed under Section 227 of the Constitution of India against the fair and decreetal order dated 02.09.2014, made in I.A.No.193 of 2014 in O.S.No.1013 of 2012, on the file of II Additional District Munsif Court, Salem.

For Petitioners : Mr.T.Jayaramaraj,G.A.(CS)

For Respondents : Mr.T.Murugamanickam

ORDER

This civil revision petition is filed by the defendants, who are the Revenue authorities, challenging the order passed in the interlocutory application, filed under Order 16 Rule 6 C.P.C, summoning the Village Administrative Officer, Agharara Valappady, Valappady Taluk, to give evidence with respect to the suit schedule property.

2. The said application has been filed by the respondents/plaintiffs to summon the V.A.O., Agrahara Valappady, for the purpose of giving evidence with respect to suit Survey number and the particulars of the boundaries and also to mark the FMB sketch with respect to Kalamman Koil Main Road and other Branch Road of the same. It was opposed by the petitioners/defendants contending that the V.A.O. is working under the control of the District Collector and the document is a public document and hence, he cannot be compelled to give evidence on the side of the plaintiffs.

3. A mere reading of Order 16 Rule 6 of C.P.C. makes it clear that it permits a party to the proceeding to summon any person to produce a document and to give evidence. The plaintiffs are summoning the V.A.O. of Valappaddy, only for the purpose of adducing evidence to establish their case by explaining the suit property with respect to survey number and boundaries with reference to F.M.B book. Moreover, the V.A.O. is an independent witness, holding the treasury of documents and familiar with the details of the village. No prejudice would be caused to the defendants, if the V.A.O. is summoned and examined. Therefore, the learned trial Judge, so as to give a fair opportunity to the plaintiffs to prove their case, has rightly allowed the application, in which, I do not find any illegality or infirmity.

4. The learned Government Advocate only pleaded that the V.A.O may be treated as a Court Witness, for which, the learned counsel for the plaintiffs has no objection. In view of the same, the V.A.O. shall be treated as Court Witness.

5. In the result, the civil revision petition is dismissed and the order passed by the trial Court in I.A.No.193 of 2014 is confirmed. No costs. Connected miscellaneous petition is closed.

Msk

19.12.2016

To

The II Additional District Munsif Court,
Salem.

PUSHPA SATHYANARAYANA,J.

msk

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