

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.2251 of 2016
and
C.M.P.No.11680 of 2016

1.S.R.Saminathan
W/o.Ramanathan

2.S.Vimala
W/o.S.R.Saminathan

... Petitioners

VS

1.R.Santha
W/o.Rethinavelu

2.The District Collector,
Collectorate,
Vilamal,
Tiruvarur Taluk.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order of learned District Munsif, Tiruvarur, passed in I.A.No.171 of 2015 in O.S.No.103 of 2013 on 14.03.2016.

For Petitioners : Mr.J.Nandagopal

ORDER

This revision arises against the order of learned District Munsif, Tiruvarur, passed in I.A.No.171 of 2015 in O.S.No.103 of 2013 on 14.03.2016.

2. First respondent/plaintiff moved O.S.No.103 of 2013 on the file of learned District Munsif, Tiruvarur, seeking declaration and other consequential reliefs. First respondent/plaintiff moved I.A.No.171 of 2015 towards summoning of witnesses. The Court below, under the impugned order, allowed such application. There against, petitioners/defendants 1 and 2 have moved the present revision.

3. Heard learned counsel for petitioners.

4. Learned counsel for petitioners submits that by way of the order under challenge, the Court below has permitted an application under Or.16 R.1 CPC towards the plaintiff producing list of witnesses belatedly. It is the contention of learned counsel for petitioners that the District Collector is the third defendant in the suit and through an application in I.A.No.171 of 2015

one of the witnesses sought to be included was a subordinate revenue official viz., Thasildar. The purpose stated by the first respondent/plaintiff towards summoning such official was to produce the extract of Andangal for 1381 to 1390 fasli. Learned counsel rightly submits that such purpose could be served by production of certified copies of such document. As regards other two witnesses, learned counsel informs that he has no objection.

5. In the circumstances, towards serving the purpose of first respondent/plaintiff, this Court would proceed to pass orders on the revision without so much as notice to respondents. The order of learned District Munsif, Tiruvarur, passed in I.A.No.171 of 2015 in O.S.No.103 of 2013 on 14.03.2016, shall stand set aside in so far as summoning the Thasildar towards production of extract of Andangal for 1381 to 1390 fasli. Instead, it would be open to respondent/plaintiff to produce certified copies of the extract of Andangal for 1381 to 1390 fasli. As regards the other two witnesses, the order under challenge shall stand sustained.

C.T.SELVAM, J

gm

The Civil Revision Petition, accordingly, is ordered. No costs. Connected miscellaneous petition is also closed.

10.08.2016

Index:yes/no
Internet:yes
gm

To

The District Munsif,
Tiruvarur.

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