



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P. (MD) Nos.2189 and 2190 of 2016

and

C.M.P. (MD) No.10165 of 2016

1. K.Muthukrishnan

2. Selvamathi

.. Petitioners/Petitioners/
Defendants in both petitions

Vs.

N.Jeya Ambika

.. Respondent/Respondent/
Plaintiff in both petitions

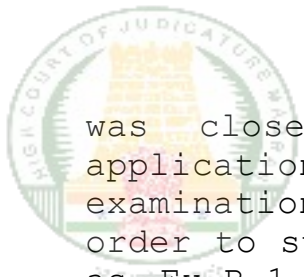
PRAYER: Petitions filed under Article 227 of Constitution of India, to allow this Civil Revision petition thereby to set aside the fair order and decreetal order dated 17.09.2016 made in I.A.Nos.163 and 164 of 2015 in O.S.No.528 of 2011 on the file of the learned Additional District Munsif, Nagercoil.

For Petitioners : Mr.T.Antony Arul Raj

C O M M O N O R D E R

The petitioners have filed the present Civil Revision petitions before this Court, challenging the order passed by the learned Additional District Munsif, Nagercoil, in I.A.Nos.163 and 164 of 2015 in O.S.No.528 of 2011, dated 17.09.2016.

2. According to the petitioners, the respondent/plaintiff herein filed the suit in O.S.No.528 of 2011 on the file of the Additional District Munsif Court, Nagercoil, for declaration and recovery of possession. The property in Old Survey No.2946 measuring an extent of 91 cents in Dharmapuram Village, Agasteeswaram Taluk, Kanyakumari District belonged to one Duraisamy Nadar. The respondent/plaintiff created a document in the year 2002, as the property purchased by Thangappan Nadar and Rathnasamy Nadar in Survey No.673/12. Based on the same, she filed the above suit for declaration. The property purchased by the father-in-law of the respondent/plaintiff was not the property in S.No.673/12. Therefore, the written statement was filed by the petitioners. Duraisamy was examined as D.W.2, in order to prove the case marked settlement Register through the plaintiff's husband who was examined as P.W.1, during the examination. The consent on the document has to be proved by Government official Chief Assistant, G1 Section, District Collectorate Office, Nagercoil. The witness on the side of the petitioners/defendants



was closed on 23.03.2015. The petitioners have filed two applications in I.A.Nos.163 of 164 of 2015 seeking reopen and examination of Chief Assistant, G1, Section Collectorate. In order to substantiate the same, the settlement Register was marked as Ex.B.1. However, without considering the scope, object and reason set out in the aforesaid applications, the Court below has dismissed the same on 17.09.2016. Challenging the dismissal order passed in the aforesaid applications, the present Civil Revision petitions have been filed.

3. Heard the learned counsel for the petitioners and perused the records.

4. The petitioners have filed the applications in I.A.Nos.163 of 164 of 2015 in O.S.No.528 of 2011, for reopening and examination of Chief Assistant, G1, Section Collectorate. Admittedly, the settlement Register was marked as Ex.B.1, at the time of the evidence. On perusal of the order passed by the Court below, would show that the case has been posted on 05.01.2015 and 17.03.2015 for adducing additional witnesses. Even though the opportunity was given to the petitioners, they have not chosen to file any application at that stage itself. The evidence on the side of the petitioners/defendants was closed on 23.03.2015. Thereafter, the petitioners have filed the present applications, for examining the Government Official Chief Assistant to prove the Ex.B.1 which was already marked by P.W.1.

5. In view of the reasons stated in I.A.Nos.163 of 164 of 2015 in O.S.No.528 of 2011 as well as on perusal of the records, the petitioners have filed the present applications, belated.

6. Accordingly, the Civil Revision petitions are dismissed. No costs. Consequently connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To
The Additional District Munsif,
Nagercoil.

+2cc to Mr.T.Antony Arul Raj, Advocate SR.No.64608,64056

pmu

sm:ss3:05/12/2016:2P/4C

C.R.P. (MD) Nos.2189 and 2190 of 2016
and

C.M.P. (MD) No.10165 of 2016
26.10.2016