

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.663 of 2017
& C.M.P.No.6054 of 2017

1. G.Narasimhan
2. G.Santhanam
3. N.Saravana Kumar
4. N.Vinothkumar
5. S.Mohan Kumar
6. S.Archana
7. V.Subbiah
8. L.Babu
9. Chitra

.. Petitioners

Vs.

Ponni

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 10.02.2017 in I.A.No.1464 of 2017 in O.S.Nos.6118 of 2009 and 5401 of 2003 on the file of the learned IV Assistant Judge, City Civil Court, Chennai.

For Petitioners : Mr.P.Jagadeesan

For Respondent : Mr.A.V.Arun

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order dated 10.02.2017 in I.A.No.1464 of 2017 in O.S.Nos.6118 of 2009 and 5401 of 2003 on the file of the learned IV Assistant Judge, City Civil Court, Chennai.

2.The petitioners are the plaintiffs and respondent is the defendant in O.S.No.5401 of 2003. The respondent is the plaintiff and the petitioners are the defendants in O.S.No.6118 of 2009. In both the suits, joint trial was ordered and trial commenced. The respondent let in evidence and marked 12 documents. The petitioners cross examined the respondent. The petitioners filed I.A.No.1464 of 2017 for summoning the Tahsildar, Egmore, to produce all the relevant documents along with copy of the survey plan mentioned in the petition and to give evidence with regard to the procedure for issuance of patta to the respondent. According to the petitioners, without following the procedure, the patta was issued in the name of the respondent.

3. The respondent has filed counter affidavit and opposed the said application. According to the respondent, summoning of Tahsildar, is not necessary for the relief sought for in both the suits.

4. The learned trial Judge considering the averments made in the affidavit, counter affidavit and materials available on record, dismissed the application holding that the petitioners have not stated as to what are the documents are to be produced by the Tahsildar and what are the steps he has taken for cancellation of patta issued to the respondent.

5. Against the order of dismissal dated 10.02.2017 made in I.A.No.1464 of 2017, the present Civil Revision Petition is filed by the petitioners.

6. Heard the learned counsel for the petitioners and perused the materials available on record.

7. From the records, it is seen that the petitioners seek examination of the Tahsildar. According to the petitioners, the Tahsildar issued patta without following the procedure. The

petitioners have not stated as to whether they have taken any steps for cancellation of patta on the ground that the proper procedure was not followed. Further, the petitioners have not stated anything in the application except stating that the Tahsildar may be summoned to produce all the relevant documents. In view of the lack of particulars, the learned Judge dismissed the application holding that summoning of the Tahsildar to produce the document is not necessary.

8. The learned Judge considering all the above aspects dismissed the application by giving cogent and valid reasons. There is no illegality or irregularity in the order passed by the trial Court warranting interference by this Court.

9. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.06.2017

Index : Yes/No

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To

IV Assistant Judge, City Civil Court, Chennai.

V.M.VELUMANI, J.

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