

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.789 of 2017
and C.M.P.No.3905 of 2017

1.R.Rajeswari

2.S.Satyamoorthy

3.S.Iyyappan

... Petitioners

Vs.

1.R.Sampath

G.Sivanandam (Died)

2.The Executive Officer,
Perungalathur Town Panchayat,
Chennai - 600 063.

3.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajar Building,
Chennai - 600 008.

4.The Tahsildar,
Tambaram Taluk, Chennai - 600 045.

5.The Village Administrative Officer,
Perungalathur, Chennai - 600 063.

6.The Assistant Engineer,
Tamil Nadu Electricity Board
(Distribution and Maintenance)
Perungalathur, Chennai - 600 063.

7.The Sub Registrar,
Padappai, Sriperumbudur Taluk,
Kancheepuram District.

8.S.Srinivasan

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 09.08.2016 made in I.A.No.197 of 2016 in O.S.No.122 of 2010 on the file of the District Munsif, Tambaram.

For Petitioners : Ms.T.Jayalakshmi
for M/s.Paul and Paul

ORDER

Challenging the fair and final order passed in I.A.No.197 of 2016 in O.S.No.122 of 2010 on the file of the District Munsif, Tambaram, the defendants 8 to 10 have filed the above Civil Revision Petition.

2.The plaintiff filed the suit in O.S.No.122 of 2010 for permanent injunction.

3.The defendants filed their written statement and are contesting the suit. Earlier, the plaintiff marked Ex.A2, which is the judgment passed in O.S.No.141 of 2009 on the file of the Principal District Court, Chengalpet. The said document was marked through the plaintiff's witness. Subsequently, the defendants 8 to 10 took out an application in I.A.No.197 of 2016 to

expunge Ex.A2 filed by the plaintiff, thereby, enabling the defendants to proceed with the matter. When the plaintiff had marked the document on his side, the remedy open to the defendants is to cross examine the witness with regard to the said document or make their submission with regard to the document at the time of arguing the suit. The defendants cannot seek for expunging the document marked by the plaintiff. The trial Court observed that the suit is posted for the cross examination of P.W.1, hence, at that stage, the document cannot be expunged. The findings of the trial Court are perfectly correct.

4.I do not find any error or irregularity in the order passed by the trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

08.03.2017

To

1.The District Munsif,
Tambaram.

2.The Executive Officer,

Perungalathur Town Panchayat,
Chennai - 600 063.

M.DURAI SWAMY, J.
va

3.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajar Building,
Chennai - 600 008.

4.The Tahsildar,
Tambaram Taluk, Chennai - 600 045.

5.The Village Administrative Officer,
Perungalathur, Chennai - 600 063.

6.The Assistant Engineer,
Tamil Nadu Electricity Board
(Distribution and Maintenance)
Perungalathur, Chennai - 600 063.

7.The Sub Registrar,
Padappai, Sriperumbudur Taluk,
Kancheepuram District.

**C.R.P.(PD).No.789 of 2017
and C.M.P.No.3905 of 2017**

08.03.2017

<http://www.judis.nic.in>