



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 03.11.2017

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) .Nos.1167 and 1168 of 2015

and

M.P. (MD) .Nos.1 and 1 of 2015

1. Venkitalakshmi (died),
2. Subbulakshmi
2nd petitioner recorded as the LR.
of the deceased first petitioner
vide Court order dated 21.07.2016
made in C.R.P. (MD) .Nos.1167 & 1168 of 2015
by MKKSJ.

... Petitioners in both C.R.Ps/
Petitioners/Defendants

Vs.

1. Periya Gurusami @ Gurusamy
2. Chinna Gurusamy

... Respondents in both C.R.Ps/
Respondents/Plaintiffs

PRAYER: These Civil Revision Petitions are filed against the order dated 05.11.2014 and 06.04.2015 in I.A.No.1231 of 2014 and I.A.No.220 of 2015 in O.S.No.384 of 2010 on the file of the learned Principal District Munsif, Sankarankovil.

For Petitioners : Mr.A.Rahul
For Respondents : Mr.K.Prabhu

COMMON ORDER

These Civil Revision Petitions have been filed against the dismissal of the applications to send for documents in I.A.No.1231 of 2014 and I.A.No.220 of 2015 in O.S.No.384 of 2010, on the ground that the documents were irrelevant and the petitioner can get a certified copy of the document from the concerned authorities.

2. The petitioner has approached the concerned authority through her husband for the certified copy of the documents, which according to her was a relevant documents, to be marked in the



above suit for proper adjudication of the case. The said application was rejected by the concerned authority stating that the applicant was a third party. Therefore, once again the petitioner has come forward to file an application in I.A.No.220 of 2015, to summon the Thasildar to produce the documents. The said application was rejected on the ground of *res judicata*. Against the same, the C.R.P.No.1167 of 2015 has been filed.

3. The learned counsel for the petitioner taking note of the similarity of the names, the Patta was changed during the UDR Scheme, submitted that if the documents are not marked, serious prejudice would be caused to the case. The learned Principal District Munsif, Sankarankovil, while dismissing the earlier application, has stated that the document is not necessary and if necessary, the certified copy of the document can be obtained from the concerned authority. The plaintiff has genuinely approached the authority for the copy of the document, which was rejected by the Tahsildar stating that the petitioner was a third party, whereas the petitioner is none other than the husband of the plaintiff. The learned counsel for the respondents would submit that only to drag on the proceedings, such application has been filed. The petitioner has taken all earnest efforts to get the documents and while pendency of this application, the trial has commenced and now it is posted for defendants side evidence.

4. The learned counsel for the respondents would submit that the defendants side evidence is also closed.

5. The ends of justice would be met, if the petition to summon the Tahsildar is allowed and the documents are marked. Accordingly, both the orders passed by the learned Principal District Munsif, Sankarankovil in I.A.No.1231 of 2014 and I.A.No.220 of 2015 in O.S.No.384 of 2010 are set aside and the matters are remitted back to the trial Court for passing fresh orders to summon the Tahsildar and to mark the documents and the respondents are at liberty to let in additional evidence if any. Thereafter, the learned Principal District Munsif, Sankarankovil is directed to proceed with the suit in O.S.No.384 of 2010 and dispose of the same within a period of four months from the date of receipt of a copy of this order. Accordingly, these Civil Revision Petitions are allowed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Records)

/True Copy/



The Principal District Munsif,
Sankarankovil.

Copy To:-

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.A.RAHUL, ADVOCATE IN SR No. 85260

AKV

TE/GT/SAR-3 : 27/11/2017 : 3P/4C

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