

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2018

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Civil Revision Petition (PD) Nos.3557 & 3588 of 2017 and
C.M.P.No.16447 of 2017 in CRP (PD) No.3557 of 2017

1.Mr.S.Harikumar

2.Mrs.Sowmya

...

Petitioners in both CRPs

..VS..

1.Mrs.V.Subasree

2.The Thasildhar,
Madhavaram,
Thiruvallur District.

...

Respondents in both CRPs

Prayer in CRP (PD) No.3557 of 2017:- Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 30.01.2017 in I.A.No.1268 of 2015 in O.S.No.246 of 2013 passed by the learned District Munsif, Thiruvottiyur.

Prayer in CRP (PD) No.3558 of 2017:- Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 30.01.2017 in I.A.No.1269 of 2015 in I.A.No.1114 of 2013 in O.S.No.246 of 2013 passed by the learned District Munsif, Thiruvottiyur.

For Petitioners
in both CRPs : Mr.M.Radhakrishnan

For 1st respondent
in both CRPs : Mr.G.Jayachandran

For 2nd respondent
in both CRPs : No Apperance

COMMON ORDER

Since, there seems to be a discrepancy with regard to the identification of the properties. The first respondent herein had filed a suit for the relief of recovery of possession. Pending suit, the petitioners herein filed Interlocutory Applications seeking to implead the concerned Tahsildar, the second respondent herein, as a necessary party to an Interlocutory Application as well as to the suit.

2. According to the learned counsel for the petitioners, it is the Revenue Authority who is responsible for issuance of patta and report issued by such Thasildar is of relevance, for a proper adjudication of the suit.

3.The learned counsel for the first respondent on the other hand submitted that such a Tahsildar need not be necessarily made a party to the suit since, no relief is claimed against him and if, the petitioners want to examine him and to mark the report of the revenue records, it is always open for them to invoke the provisions of Rule 76 of the Civil Rules of Practice and examine him as a witness. The learned counsel would further submit that if the petitioners herein seek for examining the concerned jurisdictional Tahsildar, as a witness to the proceedings, the first respondent will not have any objection to the same.

4.The learned counsel for the petitioners also submits that in view of the no objection expressed by the learned counsel for the first respondent herein, the petitioners are also agreeable to give up their claim for impleading the concerned Tahsildar as party to the Interlocutory Application as well as to the suit and they would examine him as witness.

5.Recording the submissions made by the learned counsel on either side, no further orders are necessary in the present Civil Revision Petition. The petitioners are at liberty to examine the concerned jurisdictional Tahsildar as a witness to the suit proceedings in O.S.No.246 of 2013 and

the first respondent herein shall not raise any objections for examining him as witness before the trial Court. The learned trial Judge shall also endeavour to complete the suit proceedings, as expeditiously as possible.

6. With the above observations, the Civil Revision Petitions stand closed. There shall be no order as to cost. Consequently, connected miscellaneous petition is closed.

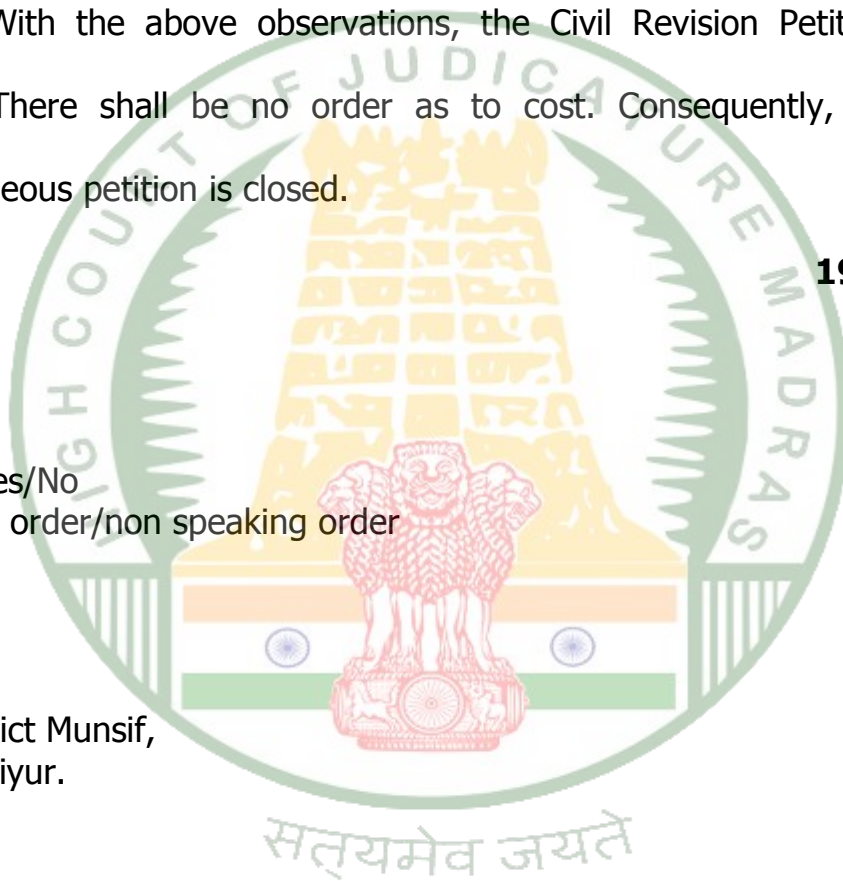
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Index: Yes/No
Speaking order/non speaking order

To

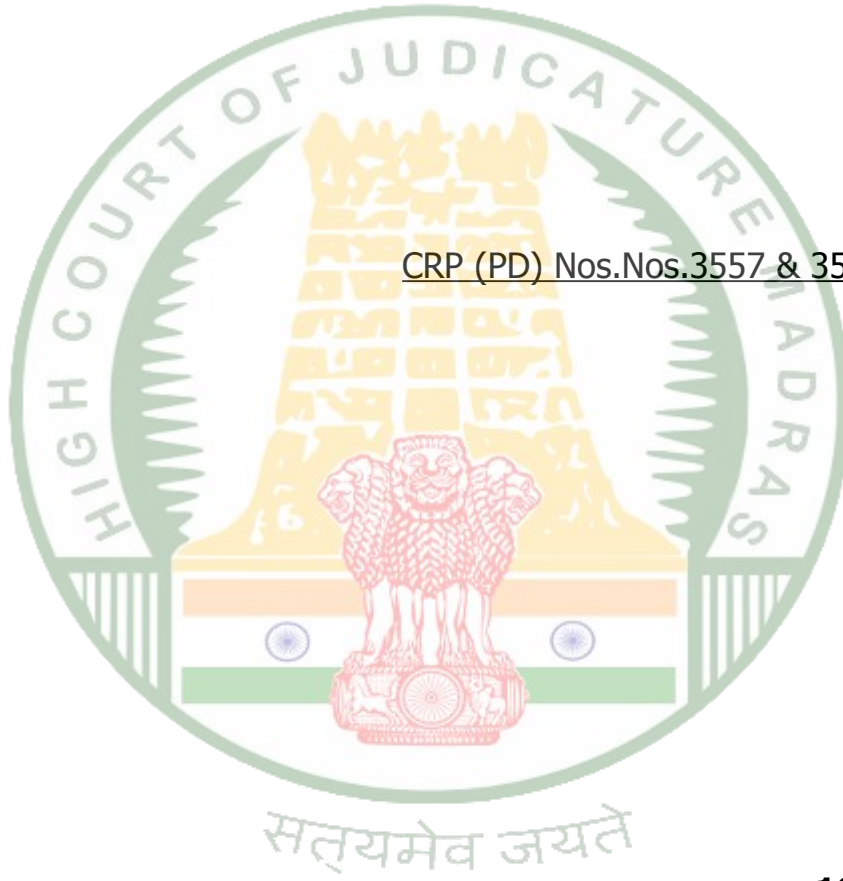
The District Munsif,
Thiruvottiyur.



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M.S.RAMESH.J.,

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CRP (PD) Nos.Nos.3557 & 3588 of 2017

19.11.2018

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