



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(PD) (MD) No.1838 of 2018
and C.M.P.(MD) No.8044 of 2018

T.Kameswari ...Petitioner/Respondent/Plaintiff

-Vs-

Seethalakshmi ... Respondent/Petitioner/1st Defendant

Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the Executable Order and Fair Order dated 26.07.2018 passed in I.A.No.390 of 2018 in O.S.NO.131 of 2014 by the Principal District Munsif, Aruppukkottai by allowing this Civil Revision Petition.

For Petitioner : Mr.Babu Rajendran
For Respondent : Mr.R.Ramadurai

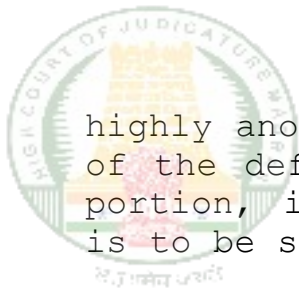
O R D E R

The plaintiff in O.S.No.131 of 2014 on the file of the Principal District Munsif, Aruppukkottai is the revision petitioner herein. It is a suit for declaration and permanent injunction. In the said suit, the respondent herein filed counter claim praying for mandatory injunction to remove the so-called encroachment and permanent injunction.

2. The trial commenced in the suit and P.W.1 to P.W.3 were examined. P.W.2 was the official from the local Municipality. After commencement of the defendant's evidence and after examination of D.W.1, I.A.No.131 of 2014 was taken out for examining the Municipality official for marking the petition mentioned documents. The trial court allowed the same by order dated 26.07.2018. The correctness of the said order is questioned in the Civil Revision Petition.

3. Heard the learned counsel on either side.

4. The learned counsel for the revision petitioner would submit that the Municipal official has already been examined on the side of the plaintiff as P.W.2 and that therefore, it would be



highly anomalous if the municipal official is examined on the side of the defendant also. He also pointed out that in the operative portion, it has been mentioned that the District Revenue Officer is to be summoned as a witness.

5. I am of the view that this is only a typographical error. The witness, whom the defendant wanted to examine, was the Revenue Inspector of the local municipality. Therefore, the order impugned in this Civil Revision Petition is modified by substituting the Revenue Inspector of Aruppukkottai Municipality instead of District Revenue Officer, Aruppukkottai.

6. With the above modification, this Civil Revision Petition is disposed of accordingly. No costs. Consequently, connected C.M.P.(MD) No.8044 of 2018 is closed. The suit is of the year 2014. The court below is directed to conclude the proceedings within a period of three months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-I)

To

The Principal District Munsif,
Aruppukkottai.

+ 1 CC TO Mr.BABU RAJENDRAN, ADVOCATE IN SR No. 81415

CM

TE/SKN/SAR-1 : 03/10/2018 : 2P/3C

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