



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2018

CORAM

WEB COPY

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

C.R.P. (MD) No.2271 of 2017 (PD)  
and  
C.M.P. (MD) .No.11037 of 2017

1.T.Peri.Raman  
2.PL.P.Ramasamy  
3.PL.Padikkasu

.. Petitioners /  
Petitioners / Defendants

Vs.

1.K.S.Karuppaiah  
2.K.R.Mahalingam

.. Respondents /  
Respondents / Plaintiffs

Petition filed under Article 227 of the Constitution of India, as against the fair and decreetal order, dated 01.09.2017, passed in I.A.No.321 of 2017 in O.S.No.68 of 2008 on the file of the District Munsif cum Judicial Magistrate Court, Thirumayam.

|                 |                     |
|-----------------|---------------------|
| For Petitioners | : Mr.G.Sridharan    |
| For respondents | : Mr.N.Balakrishnan |

**ORDER**

The respondents / plaintiffs have filed the suit in O.S.No.68 of 2008 for declaration and permanent injunction. While the suit was posted for argument, the respondents / plaintiffs have filed petitions to recall and reopen the case and the same was allowed and subsequently, they marked Ex.P7 - Natham Adangal register maintained by the Collectorate, Pudukkottai, stating that the name of the 1<sup>st</sup> plaintiff is mentioned in the same. According to the revision petitioner / defendants, in the Adangal register copy obtained by him, the name of the 1<sup>st</sup> respondent / 1<sup>st</sup> plaintiff is not mentioned and in order to prove the same, he has filed I.A.No.321 of 2017 seeking to summon the record clerk in the Office of the District Collectorate, Pudukkottai and to produce the original records in respect of A7 in the suit and to give evidence as Court witness. The said application was dismissed by the Court below, against which the present civil revision petition has been filed by the revision petitioners / defendants.



has no objection in allowing the said interlocutory application filed by the petitioners. However, he sought for a direction to the Court below to dispose of the suit within a stipulated time, as the suit is of the year 2008. The said statement is recorded.

3. In view of the above and also considering the facts and circumstances of the case, this civil revision petition is allowed and the order impugned in this petition is set aside and the Court below is directed to issue summon forthwith and to dispose of the suit itself within a period of six months from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The District Munsif cum Judicial Magistrate,  
Thirumayam.

+1CC TO M/S.G.SRIDHARAN, ADVOCATE, SR NO.58134

+1CC TO M/S.N.BALAKRISHNAN, ADVOCATE, SR NO.58781

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gcg

**MS/SV-MMS/SAR-4/12.04.2018/2P.4C**