



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.11.2018
CORAM:
THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

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C.R.P. (MD) Nos.2360 and 2361 of 2018
and
C.M.P. (MD) No.10544 of 2018

C.R.P. (MD) No.2360 of 2018

Salomi Vijaya ... Petitioner

Vs

- 1.Britto Stalin
- 2.Saratha
- 3.State of Tamilnadu
represented by the District Collector,
Collectorate, Trichy.
- 4.The Tahsildar,
Lalgudi, Trichy District.
- 5.The Village Administrative Officer,
Kookoor Jurisdiction,
Near Police Station,
Lalgudi, Trichy District.
- 6.Indian Overseas Bank,
represented by its Branch manager
Near Railway Gate,
Lalgudi, Trichy District. ... Respondents

PRAYER in C.R.P. (MD) No.2360 of 2018: Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 10.09.2018 passed in I.A.No.488 of 2018 in O.S.No.491 of 2014 on the file of the Learned District Munsif Court, Lalgudi, Trichy District by allowing this Revision Petition.

C.R.P. (MD) No.2361 of 2018

Salomi Vijaya ... Petitioner

Vs

- 1.Britto Stalin
- 2.Saratha



3.State of Tamilnadu
represented by the District Collector,
Collectorate,
Trichy.

4.The Village Administrative Officer,
Kookoor Jurisdiction,
Near Police Station,
Lalgudi,
Trichy District.

5.Indian Overseas Bank,
represented by its Branch manager
Near Railway Gate,
Lalgudi,
Trichy District.

... Respondents

PRAYER in C.R.P. (MD)No.2361 of 2018: Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 10.09.2018 passed in I.A.No.490 of 2018 in O.S.No.491 of 2014 on the file of the Learned District Munsif Court, Lalgudi, Trichy District by allowing this Revision Petition.

For Petitioner : Mr.N.R.Murugesan
For R1 : Mr.A.Kannan

(in both Civil Revision Petitions)

COMMON ORDER

The plaintiff is the revision petitioner. She filed O.S.No.491 of 2014 on the file of the District Munsif Court, Lalgudi, seeking the relief of declaration that document No.4748 of 2011 executed by one Marian in favour of the first defendant is null and void and for certain consequential reliefs. In the said suit, she filed I.A.No.490 of 2018 seeking reception of certain documents by condoning the delay occasioned in filing the same. She also filed I.A.No.488 of 2018 for directing the Tahsildar, Lalgudi, to cause production of the certain documents. I.A.No.488 of 2018 was dismissed and I.A.No.490 of 2018 was partly allowed with regard to documents 1 and 2 and dismissed as regards document No.3. These two orders dated 10.09.2018, are under challenge in these two Civil Revision Petitions.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent.

3.As rightly highlighted in the counter affidavit in I.A.No.488 of 2018, the I.As have been filed with an intention to drag on the proceedings. The suit is of the year 2014. After the plaintiff's side evidence was closed and the defendant's side evidence was also



closed, the application has been filed. That apart, I.A.No.488 of 2018 has been filed under Rule 76 of Civil Rules of practice. The said Rule was invoked by the revision petitioner on the footing that the petitioner already applied to the Tahsildar, Lalgudi for being furnished with the certified copy of the document referred to, but the Tahsildar was not responding.

4.This Court wanted to know if really an attempt was made by the revision petitioner as claimed. In the petition filed in I.A.No.488 of 2018, it was claimed that an application was made and that the acknowledgment card was also enclosed. This Court on verification, found that no such acknowledgment card was filed by the revision petitioner as claimed.

5.As already pointed out, the applications were filed literally at the last moment. The jurisdiction of this Court under Article 227 of the Constitution of India, is to be exercised only when it can be shown that the discretion of the Court below was exercised in a perverse or irregular manner. No such case has been made out for interference. I find no ground to interfere in both these revision petitions. The orders passed by the Court below are affirmed.

6.Accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

/ True Copy /

Sub Assistant Registrar(CS-)

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To

- 1.The District Munsif,
Lalgudi, Trichy.
2. The District Collector, Trichy.
- 3.The Tahsildar, Trichy.
- 4.The Village Administrative Officer,
Kookoor Jurisdiction,
Near Police Station,
Lalgudi,
Trichy District.
- 5.Record Keeper, VR Section,
Madurai Bench of Madras High Court,
<https://hcservices.ecourts.gov.in/hcservices/>
Madurai (2 copies).



+1CC to Mr.N.R.Murugesan, Advocate, SR.No.93893

+1CC to Mr.A.Kannan, Advocate, SR.No.93741

+1CC to the Special Government Pleader SR.Nos.94240,94239

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