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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP(MD)No.2324 of 2016 (PD)

and

CMP(MD)No.10726 of 2016

S.Dhanapaul

... Petitioner

Vs.

Virudhunagar Hindu Nadar's Abiviruthi

Palasarakku Kadai Mahamai

Rep.by its Secretary,

D.K.S.P.A.Shanmuga Moorthi

... Respondent

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records from the learned District Munsif Court, Nilakkottai, Dindigul District in I.A No.529 of 2014 in O.S No.15 of 2014 dated 14.09.2016, hear the parties and allow this revision petition with costs.

For Petitioner

: Mr.A.Haja Mohideen

For Respondent

: Mr.P.Thirumahilmaran

ORDER

The plaintiff in O.S No.15 of 2014 on the file of the District Munsif Court, Nilakkottai is the revision petitioner herein. The suit is one for declaration and permanent injunction. In fact, the plaintiff appears to be claiming that he is the title holder by adverse possession. In the said suit, the revision petitioner filed I.A No.529 2014 under Order 11 Rule 16 and Section 151 of CPC for directing the respondent herein to produce the petition mentioned documents. The said I.A was dismissed by the court below. Questioning the same, this civil revision petition has been filed.

2.Heard the learned counsel on either side.

3.The court below has correctly observed that the plaintiff having sought the relief of declaration and permanent injunction is obliged to prove his case. It is also observed that the plaintiff has not followed the procedure laid down under Order 11 Rule 16 of CPC. No case has been made out for interference. This



civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/

Deputy Registrar(Accounts)

/True copy/

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Sub Assistant Registrar(CS-III)

To

The District Munsif,
Nilakkottai, Dindigul District.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

+1cc to Mr.A.HAJA MOHIDEEN, Advocate, SR.No. 87715

+1cc to Mr.P.THIRUMAHILMARAN, Advocate, SR.No.86919

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