



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2018

WEB COPY

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P.PD[MD]No.2407 of 2016

and

C.M.P.[MD]No.11343 of 2016

N.Veeramani

:Petitioner/Petitioner/Plaintiff

Vs.

Chelliah Chettiar

:Respondent/Respondent/Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the records relating to the order and decretal order dated 22.10.2016 made in I.A.No.589 of 2016 in O.S.No.58 of 2003 by the District Munsif, Nillakottai, set aside the same by allowing the said I.A.

For Petitioner: Mr.D.Malaichamy

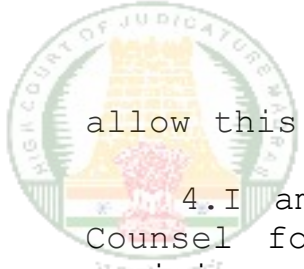
For Respondent: Mr.T.C.S.Thillainayagam

O R D E R

The revision petitioner is the plaintiff in O.S.No.58 of 2003 on the file of the District Munsif Court, Nillakottai. It is a suit for bare injunction. In the said suit, the plaintiff filed I.A.No.589 of 2016 for directing the production of certain proceedings in the custody of the Tahsildar, Nillakottai. The said Interlocutory Application was dismissed by order dated 22.10.2016. The correctness of the said order is questioned in this Civil Revision Petition.

2.Heard the learned Counsel on either side.

3.The learned Counsel for the revision petitioner pointed out that he has made a reference to the said proceedings in the plaint itself. He drew the attention of this Court to Paragraph No.7 of his plaint. In paragraph No.3 of the affidavit filed in support of I.A.No.589 of 2016, he has made a fuller reference to the circumstances that have impelled him to file the present application. Since the defendant is yet to be examined, the application cannot be said to have been filed belatedly. He therefore wanted this Court to set aside the impugned order and



allow this Civil Revision Petition.

4. I am unable to agree with the submissions of the learned Counsel for the revision petitioner. As already observed, the revision petitioner has only filed a suit for bare injunction. Even according to the plaintiff, the patta in respect of the suit property stands in the name of the respondent / defendant. The learned Counsel for the plaintiff would strongly allege that patta was erroneously issued in favour of the defendant during UDR proceedings and he has taken steps to have the same cancelled. In the said proceedings instituted by the revision petitioner before the revenue authorities, the defendants did not choose to enter appearance. The other connected persons had entered appearance and they have conceded the claim of the revision petitioner herein over the suit property and the Tahsildar had also made recommendation in favour of the revision petitioner in those proceedings.

5. Though this Court could understand the reason as to why the revision petitioner seeks the production of the said official proceedings, it is a fact that the patta issued in favour of the respondent has not yet been cancelled. What the petitioner wants to be produced is only a recommendatory report of the Tahsildar. A recommendatory report cannot constitute evidence in the eye of law. As the Court below rightly observed, the said official file or proceeding will not help in any way in adjudicating the issues raised in the said suit. The reasons given by the Court below are definitely sustainable and acceptable. I find no merit in this Civil Revision Petition.

6. The Civil Revision Petition stands dismissed, accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL-SIDE)

// True Copy //

Sub Assistant Registrar (CS-I)

To

The District Munsif,
Nillakottai.



+ 1 CC TO MR.D.MALAICHAMY, ADVOCATE IN SR NO.79993
+ 1 CC TO MR.T.C.S.THILLAINAYAGAM, ADVOCATE IN SR NO.80071

MR கனகசபை

BU/SKN/SAR-I : 03.10.2018 : 3P/4C

ORDER MADE IN
C.R.P.PD[MD]No.2407 of 2016
24.08.2018