



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2018

CORAM:

WEB COPY

**THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN**

C.R.P. (PD) (MD) No.879 of 2016  
and  
C.M.P. (MD) No.4492 of 2016

Mariya Soosai

... Petitioner/Plaintiff/  
Petitioner

**-vs-**

1.Arumai  
Arul Samy Pillai (Died)  
2.A.Kulandhairaj William  
3.A.Jansi Rani

... Respondents/Defendants/  
Respondents

**PRAYER:** Civil Revision Petition filed under Article 227 of Constitution of India praying to call for the records relating to the fair and decreetal order dated 21.01.2016 passed in I.A.No.774 of 2015 in O.S.No.40 of 2004 on the file of the 1<sup>st</sup> Additional District Munsif, Tiruchirappalli and set aside the same by allowing this Civil Revision Petition.

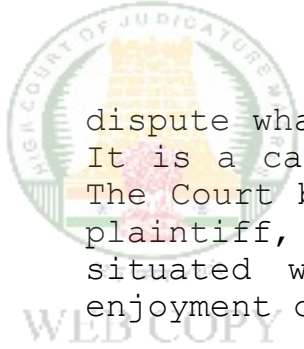
|                |                           |
|----------------|---------------------------|
| For Petitioner | : Mr.R.Sundara Srinivasan |
| For R2         | : H.Arumugam              |
| For R1         | : No Appearance           |
| For R3         | : No such Address         |

**ORDER**

The plaintiff in O.S.No.40 of 2004 on the file of the First Additional District Munsif, Tiruchirappalli is the revision petitioner herein. The suit is for permanent injunction. The revision petitioner filed I.A.No.774 of 2015 to send for some documents in the custody of the Commissioner, Trichy City Corporation and the Commissioner Central Record Officer, Cheppakkam Division. The said application was dismissed by order dated 21.01.2016. The correctness of the said order is questioned in this Civil Revision Petition.

2. Heard the learned counsel on either side.

3.As rightly pointed out by the Court below, there is no



dispute whatsoever, with regard to measurement of the suit property. It is a case of rival claim on the ownership of the one feet lane. The Court below has rightly observed that to decide the case of the plaintiff, he must prove that the one feet lane in question is situated within his property and that he is in possession and enjoyment of the same.

4. Since there is no dispute with regard to measurement of the suit property, the Court below came to the conclusion that there is no need for summoning the survey records. The reasons given by the Court below are correct and acceptable and there is no merit in this Civil Revision Petition. Accordingly, the present Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-  
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-III)

**To:**

The First Additional District Munsif,  
Tiruchirappalli.

+ 1 CC TO Mr.R.SUNDAR SRINIVASAN, ADVOCATE IN SR No. 81049  
+ 1 CC TO Mr.H.ARUMUGAM, ADVOCATE IN SR No. 81060

TA  
TE/SKN/SAR-3 : 19/09/2018 : 2P/4C

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