



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.(MD) .No.1561 of 2018 and
C.M.P.(MD)No.6836 of 2018

Dhanapal

... Petitioner/Petitioner/Plaintiff

Vs.

1. Ramamoorthy

2. The Tahsildar,
Mudukulathur Taluk,
Ramanathapuram District,

3. The Revenue Divisional Officer,
Paramakudi Circle,
Ramanathapuram District.

... Respondents/Respondents/
Defendants

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records of the learned District Munsif, Mudukulathur, made in I.A.No.175 of 2018 in O.S.No.72 of 2015 and set aside the fair and decreetal order dated 25.06.2018.

For Petitioner

: Mr.S.Rajaprabhu

O R D E R

The plaintiff in O.S.No.72 of 2015 on the file of the Court of the District Munsif, Mudhukulathur, is the Revision petitioner herein.

2. It is a suit for declaration and permanent injunction in respect of a pathway. The Revenue Authorities have issued proceedings notifying the said pathway as a common pathway. The case of the plaintiff is that it is a private property. Therefore, the said suit came to be laid. In the said suit, the Revision petitioner filed I.A.No.175 of 2018 for examining the third defendant along with relevant official records. The Court below by order dated 25.06.2018 dismissed the said application. Questioning the same, this Civil Revision petition has been filed.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned counsel appearing for the Revision petitioner reiterated the grounds set out in the memorandum.



4. I am unable to agree with the said submissions of the learned counsel for the Revision petitioner.

5. As rightly pointed out by the Court below, the person whom the Revision petitioner wants to examine is none other than the third defendant in the suit. The plaintiff cannot compel the third defendant to get into witness box and get himself examined.

6. Therefore, affirming all the reasons given by the Court below, the order passed by the learned District Munsif, Mudhukulathur, in I.A.No.175 of 2018 in O.S.No.72 of 2015, dated 25.06.2018, is sustained. The Civil Revision petition stands dismissed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-II)

pmu
To

The District Munsif,
Mudukulathur.

C.R.P. (MD) .No.1561 of 2018 and
C.M.P. (MD)No.6836 of 2018

NM/RSK/SAR 2/03.10.18/2P/2C