



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) No.1789 of 2018

and

C.M.P. (MD) No.7818 of 2018

1.Bose (Died)

2.Dhanam

... Petitioners/Petitioners/Plaintiffs

Vs.

1.Padmini

2.Lakshmi

3.Devi

4.Alaguroja

... Respondents 1 to 4 / Petitioners 3 to 6
/ Plaintiffs 3 to 6

5.The Government of Tamil Nadu

Represented by the District Collector,
Dindigul.

6.Tahsildar

Natham Taluk, Dindigul District.

7.The Assistant Land Settlement Officer,

Old Ramanathapuram, Madurai.

... Respondents 5 to 7 /
Respondents / Defendants

PRAYER: Petition filed under Section 227 of Constitution of India, to set aside the order dated 05.07.2018 made in I.A.No.114 of 2018 in O.S.No.90 of 2011 on the file of the learned District Munsif cum Judicial Magistrate, Natham, Dindigul District.

For Petitioners : Mr.B.Jameel Arasu

ORDER

The revision petitioners are the plaintiffs in O.S.No.90 of 2011 on the file of the District Munsif cum Judicial Magistrate Court, Natham, Dindigul District.

2.In the said suit, declaratory relief as well as the prayer for mandatory injunction have been made. When the matter was posted for arguments, I.A.No.114 of 2018 was filed for reopening



the case. The said Interlocutory Application was dismissed on 05.07.2018. The correctness of the said order is questioned in this Civil Revision Petition.

3. Heard the learned Counsel for the revision petitioners.

4. This Court has posed a specific question, as to why the case is sought to be reopened. The learned Counsel for the revision petitioners submitted that in respect of the suit property, patta was granted in favour of the original plaintiff. In the written statement, a pleading has been taken that the said patta was cancelled way back in the year 1997.

5. The specific contention of the revision petitioners is that they were not put on notice and that the files relating to the cancellation is presently not available. In order to elucidate this aspect, the petitioners want to reopen the case. The learned Counsel for the revision petitioners further submitted that a memo was filed in this regard.

6. I am of the view that the Court below can take adverse inference against the defendants, if any document in their custody is deliberately withheld. Leaving it open to the petitioners to call upon the Court below to draw adverse inference against the defendants, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-)

To

1. The District Munsif cum Judicial Magistrate,
Natham, Dindigul District.
2. The District Collector,
Government of Tamil Nadu,
Dindigul.
3. Tahsildar
Natham Taluk, Dindigul District.
4. The Assistant Land Settlement Officer,
Old Ramanathapuram, Madurai.

+ 1 CC TO Mr.B.JAMEEL ARASU, ADVOCATE IN SR No. 80075

CMR

TE/RSK/SAR-1 : 25/09/2018 : 2P/6C

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