

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2019

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Civil Revision Petition (PD) No.3143 of 2019

A.Bhamini

... Petitioner

-Vs-

1.L.Pushpam Ammal

L.Saran (Died)

2.V.Kumar

3.S.Renuka

4.S.Varshini

5.S.Dharshini

(respondents 4 and 5 are represented by
their natural guardian and mother

S.Renuka, 3rd respondent herein)

... Respondents

Prayer : Civil Revision Petition under Article 227 of the Constitution of India against the fair and decreetal order dated 09.04.2019 made in I.A.No.567 of 2018 in O.S.No.763 of 2008 on the file of the Principal District Munsif Court at Alandur.

For Petitioner : Mr.N.Mariappan

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order dated 09.04.2019 made in I.A.No.567 of 2018 in O.S.No.763 of 2008 on the file of the Principal District Munsif Court at Alandur.

2. The plaintiff, who is the petitioner herein, filed the suit for mandatory and

permanent injunction on the ground that the suit property is admittedly a Grama Natham and she is having possessory right over the Grama Natham, but she has not paid any kist etc., and no patta has been issued in her favour, whereas the defendants have taken a stand in the written statement that in respect of the suit property, patta has been issued in their favour.

3. Be that as it may. The suit is at the trial stage. At this stage, the present application has been filed to issue summons to the Village Administrative Officer to produce the Chitta and F.M.Sketch pertaining to the suit property.

4. Heard Mr.Mariappan, learned counsel appearing for the petitioner, who would submit that the suit property is admittedly a Natham land and through which only the Trust property, which is located exactly behind the suit property has to be reached and this suit property has been the ingress and egress to reach the Trust property, where the petitioner's mother in law has an interest over the Trust.

5. From the point of view of the petitioner, the suit property is only a Natham property and it has never been in the exclusive possessory right of the plaintiff / petitioner and the issue can be decided by the trial Court after completing the trial.

6. Insofar as the issue raised in this revision is concerned, where the application seeking to summon the Village Administrative Officer to produce the

Chitta and F.M.Sketch of the suit property was dismissed, this Court is of the considered view that, if at all the petitioner wants to establish his possessory right, she should have collected those documents viz., the Chitta and F.M.Sketch pertaining to the suit property from the revenue authorities before filing of the suit and should have produced before the Court below. After filing the suit, the petitioner / plaintiff cannot collect evidence by filing this kind of application asking the revenue officials to bring the records to the Court and produce the same.

7. Assuming that the Chitta and F.M.Sketch, as has been sought for in the application, are available, that would not in any way advance the case of the petitioner / plaintiff, as admittedly the suit property is a Natham land, and the plaintiff does not have any possessory right, except to show that the suit property was used as ingress and egress to the Trust property, which is situated behind the suit property, in which Trust, the mother-in-law of the plaintiff has some interest.

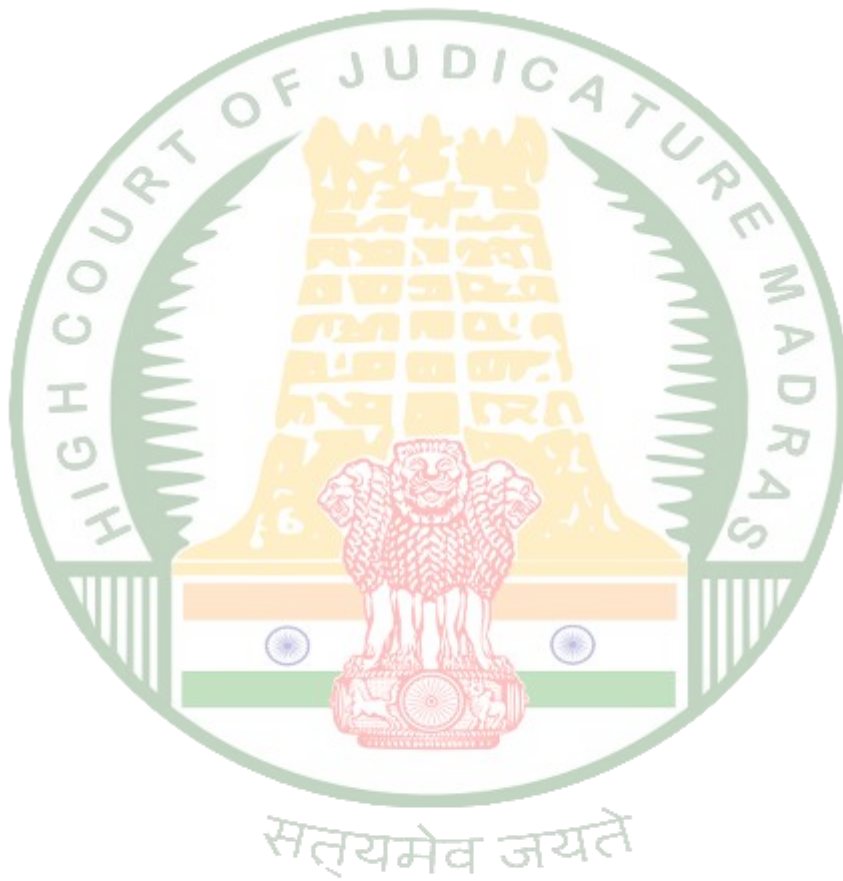
8. Hence, absolutely there is no reason to interfere with the dismissal order passed by the Court below, which is impugned in this revision. Accordingly, the Civil Revision Petition is dismissed. No costs.

23-09-2019

Internet : yes / no
Index : yes / no
KST

To

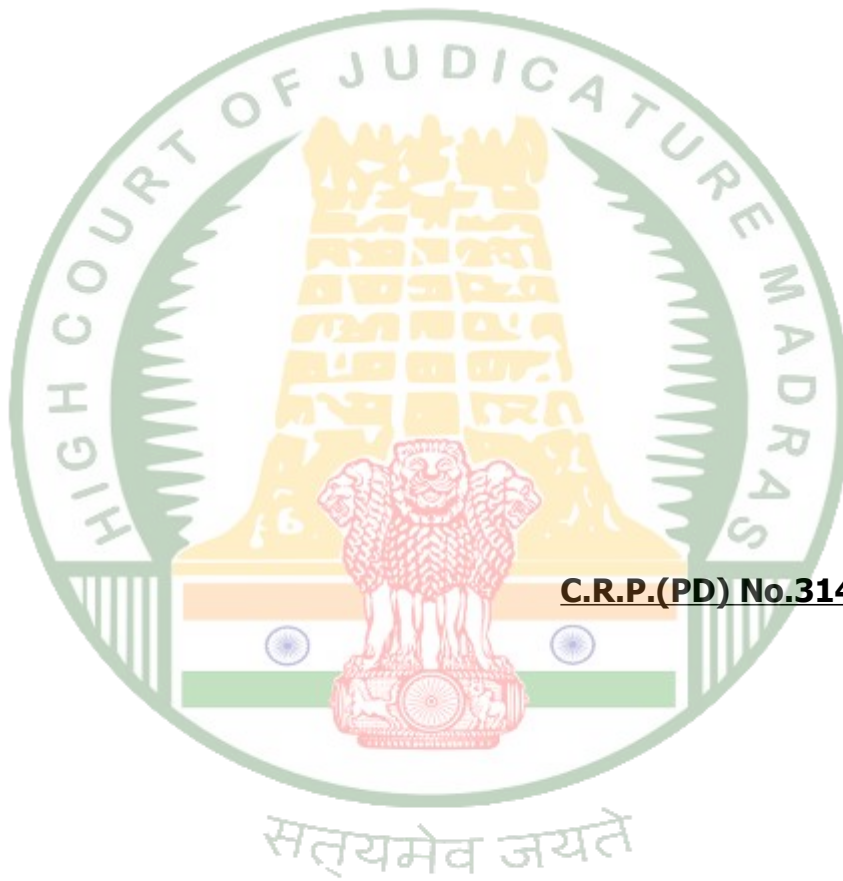
Principal District Munsif, Alandur.



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R. SURESH KUMAR, J.

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