



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2019

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THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

C.R.P. (PD) (MD) Nos.1113 and 1125 of 2019
and
C.M.P (MD) No.6138 of 2019

S.Dhanabalan ... Petitioner/Petitioner/Plaintiff
(in both CRPs)

Vs.

1.N.Ramamurthy

2.The Tahsildar,
Tahsildar Office,
Muthukulathur Taluk,
Ramanathapuram District.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Paramakudi Town,
Paramakudi Taluk,
Ramanathapuram District. ... Respondents/Respondents/Defendants
(in both CRPs)

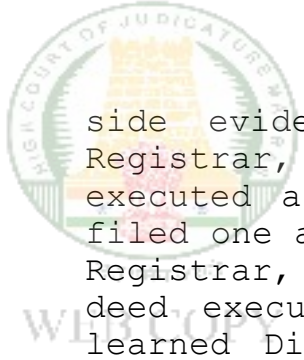
COMMON PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, against the orders dated 01.03.2019 made in I.A.Nos.47 and 48 of 2019 in O.S.No.72 of 2015 respectively on the file of the District Munsif Court, Muthkulathur, Ramanathapuram District.

For Petitioner : Mr.B.Jameel Arasu
(in both CRPs)

COMMON ORDER

These Civil Revision Petitions have been filed against the order dated 01.03.2019 made in I.A.Nos.47 and 48 of 2019 in O.S.No.72 of 2015 respectively on the file of the District Munsif Court, Muthkulathur, Ramanathapuram District.

2.The petitioner is the plaintiff in O.S.No.72 of 2015 on the file of the learned District Munsif, Muthkulathur, Ramanathapuram District. Before the trial Court, during the pendency of the trial in O.S.No.72 of 2015, the petitioner herein filed an interlocutory application in I.A.No.47 of 2019 seeking to reopen the plaintiff's



side evidence for the purpose of issuing summons to the Sub Registrar, Muthkulathur with the direction to send for the sale deed executed already in respect to survey No.332/62. Similarly, he filed one another application in I.A.No.48 of 2019 to summon the Sub Registrar, Muthkulathur and for a direction to send for the sale deed executed already pertains to the same survey number. The learned District Munsif, Muthkulathur, after affording sufficient opportunity to the defendants/respondents dismissed the both applications.

3.While at the time of disposing the said applications, the learned District Munsif, Muthkulathur, has held that the Survey No.332/62 is not at all relevant to the suit property. Further, she has held that in order to prove the case, which has not been set out in the plaint, the petitioner filed this application. Now on go through the copy of the plaint presented by the petitioner before the trial Court, it is seen that the suit has been filed for the relief of declaration declaring that the suit pathway is the absolute property of the plaintiff and for declaring that the patta stands in the name of the third respondent, is null and void. In otherwise, the said suit is pertaining to Survey No.332/59 situated in Melamuthkulathur. In the said circumstances, the petitioner wants to summon the title deed pertaining to the Survey No.332/62. So the petitioner is admitted to summon the documents which are not relevant to the suit schedule property. So the order passed by the learned District Munsif is a well-considered one.

4.Further, if the petitioner thought that the title deed pertaining to Survey No.332/62 is necessary for proving his case, he has to file the copy application before the Sub Registrar, Muthkulathur and mark the same through the competent person. Without adopting the same, summoning the document pertaining to the said property, which is not related to the suit property, is unnecessary. Accordingly, I am of the considered opinion that this applications are unnecessary.

5.With the above observation, these Civil Revision Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)



To

1. The District Munsif Court,
Muthkulathur,
Ramanathapuram District.

2. The Tahsildar,
Tahsildar Office,
Muthukulathur Taluk,
Ramanathapuram District.

3. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Paramakudi Town,
Paramakudi Taluk,
Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-77716[F] dated 25/07/2019)

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-78011[F] dt.26/07/2019)

C.R.P. (PD) (MD) Nos.1113 and 1125 of 2019
and
C.M.P (MD) No.6138 of 2019
24.07.2019

cp

JMN(16.08.2019) 3P : 6C