



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2019

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.R.P. (NPD) (MD) .No.1549 of 2019

and

C.M.P. (MD) .No.8213 of 2019

WEB COPY

Marutharasu

... Petitioner/Petitioner/Plaintiff

Vs.

- 1.Murugan
- 2.Petchiammal
- 3.Subramani
- 4.Latha
- 5.Vadamallammal

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 26.07.2019 made in I.A.No.430 of 2019 in O.S.No.314 of 2015 on the file of the learned District Munsif, Uthamapalayam, Theni District.

For Petitioner : Mr.K.Guhan

For Respondents : Mr.S.Balaji

O R D E R

The Civil Revision Petition has been filed challenging the order passed by the learned District Munsif, Uthamapalayam, Theni District in I.A.No.430 of 2019 in O.S.No.314 of 2015, dated 26.07.2019.

2. The petitioner is the plaintiff and the respondents are the defendants in O.S.No.314 of 2015. The petitioner has filed the above suit for permanent injunction restraining the respondents not to interfere with the peaceful possession and enjoyment of the suit property. During the pendency of the suit, the petitioner/plaintiff has filed an application in I.A.No.430 of 2019 before the Court below to reopen the evidence of plaintiff and to examine the Village Administrative Officer. However, the Court below after hearing both the parties, dismissed the application stating that the suit was posted for argument and hence, the application is filed only to drag on the proceedings. Challenging the said order, the present Civil Revision Petition has been filed.

3. The learned counsel appearing for the revision petitioner contended that the revision petitioner wanted to examine the Village Administrative Officer only with regard to the Patta and Adangal issued by the Tahsildar and countersigned by the Village Administrative Officer. He further contended that the said documents were already marked through P.W.1. However, about the veracity of other particulars with regard to the description of the Survey Numbers in the plaint as well as in the documents, the revision petitioner wanted to examine the Village Administrative Officer. But, the Court below without considering the same,



dismissed the application. Hence, the order of the Court below is liable to be dismissed.

4. On the other hand, the learned counsel appearing for the respondents fairly made a submission that with regard to Exs.A15 and A16, the respondents/defendants are not disputing the documents and hence, there is no need for examining the Village Administrative Officer by the revision petitioner herein. Further, he contended that the Court below after considering all these aspects, has rightly dismissed the application in I.A.No.430 of 2019 and there is no need to interfere with the order passed by the Court below.

5. Heard the learned counsel for the petitioner as well as the learned counsel for the respondents and perused the materials available on record.

6. The revision petitioner herein has filed the above application in I.A.No.430 of 2019 for the purpose of reopening the evidence of the plaintiff and to examine the Village Administrative Officer. The plaintiff already marked Exs.A15 and A16 through P.W.1. However, now, again he wants to clarify through the Village Administrative Officer. But, in the present case, the defendants have not disputed with regard to the documents Exs.A15 and A16. In such circumstances, this Court is of the view that there is no need for reopening the evidence of the plaintiff and to examine the Village Administrative Officer. In the present case, since the respondents/defendants admitted the documents Exs.A15 and A16, there is no need for further examination of any other witnesses. In such view of the matter, this Court do not find any infirmity in the order passed by the Court below and hence, there is no merit in the present revision petition and the same is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. However, considering the fact that the suit has been filed in the year 2015, this Court directs the Court below to dispose of the suit in O.S.No.314 of 2015 within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

akv

To

The District Munsif,
Uthamapalayam, Theni District.

+1 CC to M/s.K. GUHAN, Advocate (SR-101289[F] dated 26/11/2019)

+1 CC to M/s.S. BALAJI, Advocate (SR-101417[F] dated 26/11/2019)

SMA/06/01/2020/2P/4C

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