



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: .05.11.2019

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

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C.R.P. (MD) .Nos.1282 to 1284 of 2015(PD)

and

M.P. (MD) .No.1 of 2015

in

C.R.P. (MD) .No.1282 of 2015

1.Mr.K.Vagulapusanam
2.Mr.K.Sadagopan
3.Mrs.Tharani
4.Mrs.Vasutha
5.Mrs.K.Vijaya
6.Mrs.V.Kanaga

... Petitioners/Petitioners/
Defendants 1 to 5 and 7 in all C.R.Ps

Vs.

1.Mrs.Krishnaveni
2.Mrs.Andal
3.Mr.S.Kannan
4.Mrs.Amirtham
5.Mrs.A.Saradha
6.Mrs.V.Chitra
7.Mrs.Methani
8.Mr.Gunasekaran
9.S.Kamaraj

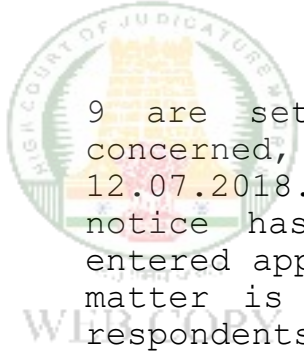
... Respondents/Respondents/
Plaintiffs Defendants 6, 8 and 9 in all C.R.Ps

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the order dated 23.03.2015 passed by the Principal Sub-Court, Thanjavur in I.A.Nos.81 of 2015, 497 of 2014 and 498 of 2014 in O.S.No.85 of 2014.

For Petitioners
in all C.R.Ps : Mr.P.Sesubalan Raja
For Respondents
RR1,2,4-6,9
in all C.R.Ps : No appearance
For R3 : Dismissed vide order dated 12.07.2018
in all C.R.Ps

COMMON ORDER

Though notice was served on the respondents 7 to 9 and their names are also printed in the cause list, none appeared for them either in person or through counsel. Therefore, the respondents 7 to



9 are set ex-parte. In respect of the third respondent is concerned, this civil revision petition is dismissed, by order dated 12.07.2018. In respect of the respondents 1,2,4 to 6 are concerned, notice has been served and Mr.T.Senthil Kumar, learned counsel entered appearance on behalf of the respondents 1,2,4 to 6. When the matter is taken up for hearing, none appeared on behalf of the respondents 1,2, 4 to 6.

2.These civil revision petitions have been filed in the year 2015 and during the pendency of the revision petitions, the revision petitioners have also obtained an interim order. After obtaining the interim order, for the past four years, there is no further progress in the revision petitions. Therefore, this Court is inclined to hear the revision petition in the absence of the respondents and pass final orders in these matters.

3.The present civil revision petitions have been filed challenging the order, dated 23.03.2015, passed by the Principal Sub-Court, Thanjavur, in I.A.Nos.81 of 2015, 497 of 2014 and 498 of 2014 in O.S.No.85 of 2014. The said I.As have been filed by the revision petitioners to reopen the case, to receive additional documents and to examine the Village Administrative Officer.

4.After hearing both parties, the Court below had dismissed all the I.As stating that the petitioners have filed these applications only to fill-up the lacunae and to drag on the proceedings further. Aggrieved over the same, the petitioners are before this Court.

5.The learned counsel appearing for the revision petitioners contended that originally the suit has been filed for partition by the plaintiffs. According to the revision petitioners originally the partition was made vide Registered partition deed, dated 01.09.1986 to Ramanujam, Srinivasan and the Lrs of the Krishnasamy and all these facts are elicited in the written statement, which was filed along with a copy of the partnership deed. Thereafter, on the basis of the partition deed, patta was issued in respect of the respective sharers and accordingly, patta was issued in respect of the scheduled mentioned item Nos.6 to 11 infavour of the Srinivasan Naidu and subsequently, it was transferred in favour of the plaintiffs, after the demise of Srinivasa Naidu. In these circumstances, the petitioners submitted that it is just and necessary to examine the Village Administrative Officer, who was instructed to issue patta and the said Village Administrative Officer has to be examined to find-out the issue of patta in favour of Srinivasan Naidu, which is very valuable in this case. However, without considering all these facts, the Court below simply rejected the applications filed by the revision petitioners herein stating that only to drag on the proceedings and to fill-up the lacunae, those petitions are filed.



6.Heard the learned counsel for the revision petitioners and perused the materials available on record.

7.From the perusal of the records, it is admitted that the respondents herein have disputed the issuance of patta by the Village Administrative Officer. As the revenue records are to be maintained by the Village Administrative Officer, the details of the issuance of patta would have been entered in the Register maintained by the Village Administrative Officer. When that being the case, particularly, in these cases on what basis, patta was issued and when it was issued all are more important and in general, the patta will be a document of trust and how it was issued, all those particulars will be available with the Village Administrative Officer and therefore, he is the competent person to speak about the issuance of patta to Srinivasa Naidu, particularly, to find out whether the patta was issued subsequent to the partition deed dated 01.09.1986 and all these materials are very valuable for deciding the partition suit filed by the respondents/plaintiffs and that being the case, this Court do not find any impediment for the Court below for considering these applications. Accordingly, the order passed by the Court below is liable to be set aside and accordingly, the order of the Court below is set aside.

8.In view of the above, while this Court setting aside the order dated 23.03.2015 passed by the Court below and the Principal Sub-Court, Thanjavur, has directed the Court below to complete the entire exercise of the examination of the Village Administrative Officer within 30 days from the date of first hearing, after the receipt of a copy of this order. Since the suit is of the year 2014, the Court below is directed to dispose of the said suit as expeditiously as possible without adjourning the matter unnecessarily. Accordingly, all the C.R.Ps are allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Principal Sub-Court,
Thanjavur.

2.The Section Officer, VR Section
Madurai Bench of Madras High Court,

<https://hcservices.hc.madurai.gov.in/> (2 Copies)



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M.P.(MD).No.1 of 2015

+3 CC to Mr.P.SESUBALANRAJA, Advocate SR-96278,96279,96280
+1 CC to Mr.T.SENTHIL KUMAR, Advocate (SR-96873[F] dated
08/11/2019)

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MK (05.12.2019) 4P 8C