

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP(PD)No.396 of 2019

CMP.No.2714 of 2019

1. S.Saraswathi
2. Madeswaran
3. Sakthivel
4. Dhanabagiyam

Petitioners

Vs

1. M.Jayabalan
2. M.Kumaresan
3. M.Karthikeyan
4. M.Senthilnathan
5. Santhayal @ Santhi
6. M.Mahalakshmi
7. Saradha
8. M.Deepa
9. P.T.Saravanan
- 10.T.Ravikumar
- 11.T.Selvamani

Respondents

Prayer:- This Civil Revision Petition has been filed, under Section 227 of the Constitution of India, to set aside the fair and decreetal order dated 05.01.2019 made in IA.No.1 of 2019 in OS.No.192 of 2008, by the I Additional District Munsif Court, Bhavani.

For Petitioners : Mr.N.Manokaran

For Respondents : Mr.S.Kaithamalai Kumaran-RR1, 2, 4 to 10

ORDER

1. This Civil Revision Petition has been filed, to set aside the fair and decreetal order dated 05.01.2019 made in IA.No.1 of 2019 in OS.No.192 of 2008, by

the I Additional District Munsif Court, Bhavani.

2. The defendants are the revision petitioners. The Plaintiffs have filed the suit for recovery of possession. During the course of the trial, the Plaintiffs have marked Ex.A19 and on the side of the Defendants, DW.1 was examined and Ex.B21 was marked, which is the resolution passed by the Panchayat, regarding mutation of name in their favour. At this juncture, the Defendants have filed an application in IA.No.1 of 2019 in OS.No.192 of 2008, to examine the Official Witnesses, mentioned in the petition, namely, Executive Officer, Aappakoodal Perurachi, Aappakoodal, Bhavani Taluk, Election Officer and the Revenue Tahsildar, Bhavani. Since the said application was dismissed by the impugned order, this Civil Revision Petition has been filed.
3. This court heard the learned counsel on either side.
4. Taking into consideration the nature of the suit and the fact that Ex.A19 and Ex.B21 are relied on by the respective parties, evidence of the Official Witness, namely, Executive Officer is absolutely necessary, since the said Official has issued both the documents, which support respective parties and hence, the order passed by the I Additional District Munsif, Bhavani is hereby set aside in this respect.
5. The next point is with regard to the election card said to have been issued by the Local Election Officer. However, for want of details, the I Additional District Munsif, Bhavani has rejected the case. It is to be noted that as contended by the learned counsel for the Respondents, since the election card is a public document, it can be marked through any of the parties, which

the Defendant wishes to do so.

6. With the above observations, this Civil Revision Petition is partly allowed to the extent indicated above. The suit in OS.No.192 of 2008 shall be disposed of, on merits and in accordance with law, within a period of ten weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected MP is closed.

09.11.2020

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Srcm

To

1. The I Additional District Munsif Court, Bhavani.

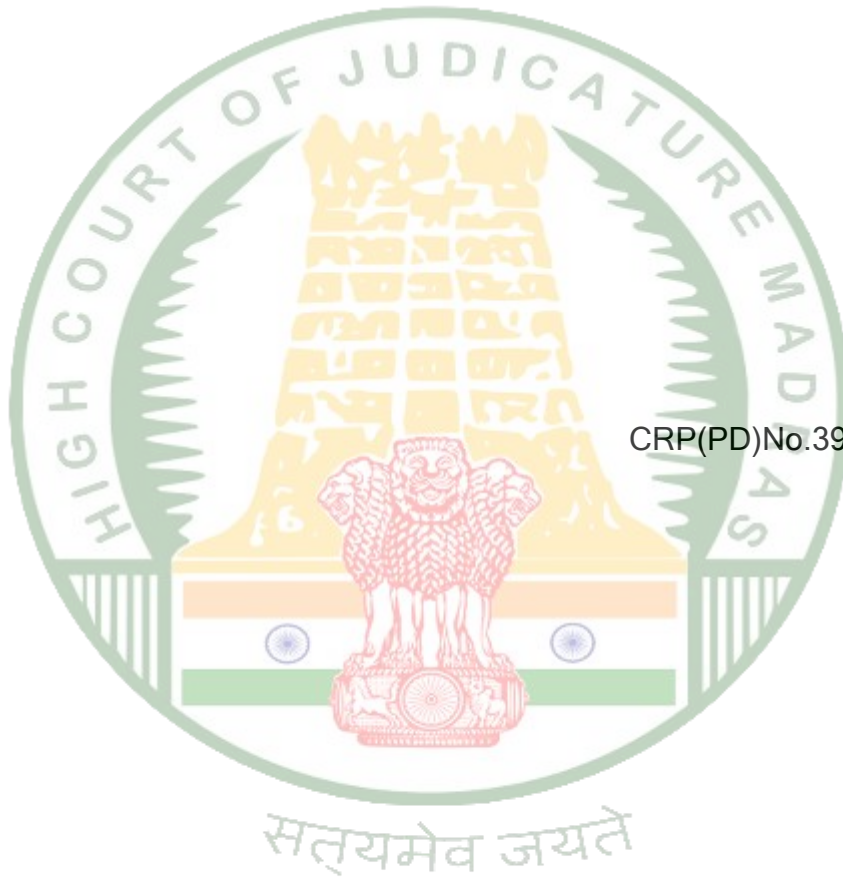


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RMT.TEEKAA RAMAN, J.

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