

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 18.11.2020**

CORAM:

**THE HON'BLE MR.JUSTICE P.RAJAMANICKAM**

**C.R.P(PD).No.2182 of 2015**

**and**

**M.P.No.1 of 2015**

T.A.Krishnamoorthi ... Petitioner

Vs.

The Assistant Commissioner  
Arulmigu Arthanareeswarar Temple  
Trichengode. ... Respondent

**Prayer:** Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order of the Principal District Munsif Court, Tiruchengode, dated 07.04.2015 in I.A.No.183 of 2015 in O.S.No.299 of 2001.

For Petitioner : Mr.P.Valliappan  
For Respondent : Mr.N.Manikandan (C.S.)  
Government Advocate

**ORDER**

This Civil Revision Petition has been filed by the petitioner/plaintiff against the dismissal of his application in I.A.No.183 of 2015 in O.S.No.299 of 2001 on the file of the Principal District Munsif, Tiruchengode, dated 07.04.2015.

2. The petitioner herein had filed an application in I.A.No.183 of 2015 in O.S.No.299 of 2001 on the file of the Principal District Munsif, Tiruchengode, under Rule 74 of the Civil Rules of Practice to send for the entire case bundle in M.C.No.3 of 2003 from the file of the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Salem-1, for the purpose of cross examining DW1. The learned Principal District Munsif, Tiruchengode by the order dated 07.04.2015 had dismissed the said application. Feeling aggrieved, the petitioner/plaintiff has filed the present Civil Revision Petition.

3. Heard, Mr.P.Valliappan, the learned counsel for the petitioner/plaintiff and Mr.N.Manikandan, learned Government Advocate (C.S.) for the respondent/defendant.

4. The learned counsel for the petitioner has submitted that in order to show that the respondent/defendant is adopting different guidelines for different tenants, the petitioner herein had applied under Right to Information Act, seeking certified copy of the proceedings in M.C.No.3 of 2003 but, the Joint Commissioner, Hindu Religious and

Charitable Endowments Department, Salem-1, refused to grant certified copy and sent a reply on 26.11.2014. He further submitted that in order to show the *bonafide*, the petitioner also served a notice to the respondent/defendant under Order 12 Rule 8 of CPC to cause production of the said documents but, the respondent did not produce the same and hence, the petitioner was constrained to file an application in I.A.No.183 of 2015 under Rule 74 of Civil Rule of Practice, to call for the entire case bundle in M.C.No.3 of 2003 from the file of the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Salem-1.

5. He further submitted that the learned District Munsif, without considering the aforesaid facts had erroneously dismissed the said application. He further submitted that the aforesaid documents are absolutely necessary to prove the fact that the claim set up by the respondent/defendant is totally false and hence, he prayed to allow this Civil Revision Petition and set aside the order passed by the learned District Munsif, in I.A.No.183 of 2015 and allow the said I.A.

6. Per contra, Mr.N.Manikandan, learned Government Advocate (C.S.) for the respondent/defendant has submitted that during

pendency of this Civil Revision petition, the trial Court has dismissed the said suit by the judgment and decree dated 30.11.2018 and also rejected the counter claim filed by the respondent/defendant and hence, nothing survives in this Civil Revision Petition.

7. The learned counsel for the petitioner by way of reply has submitted that this Court at the time of admitting this Civil Revision Petition has granted an interim stay but, subsequently, the said interim stay was not extended and hence, the trial Court has disposed of the said suit. He further submitted that he was informed that against the dismissal of the said suit, the petitioner has filed an appeal and the same is pending before the Sub-Court, Tiruchengode. He further submitted that if this Court is inclined to dismiss this Civil Revision Petition on the ground that this Civil Revision Petition has become infructuous, liberty may be given to the petitioner to vindicate his remedy before the Appellate Court by invoking Section 105 of CPC.

8. This Court also called for a report from the Principal District Munsif, Tiruchengode, with regard to the status of the suit in O.S.No.299 of 2001. The learned Principal District Munsif, by his letter

dated 10.11.2020 has stated that the suit in O.S.No.299 of 2001 was disposed of on 30.11.2018. He further stated that by the said judgment, the suit was dismissed and the counter claim which was filed by the respondent/defendant was also rejected. He also sent a copy of the judgment passed in this said suit and counter claim. A perusal of the said copy of the judgment shows that the said suit was disposed of on 30.11.2018 itself and hence, this Civil Revision Petition has to be dismissed as infructuous.

9. In the result, this Civil Revision Petition is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petition is also closed. It is open to the petitioner to invoke the provisions of Section 105 of CPC before the Appellate Court.

18.11.2020

Internet : Yes/No  
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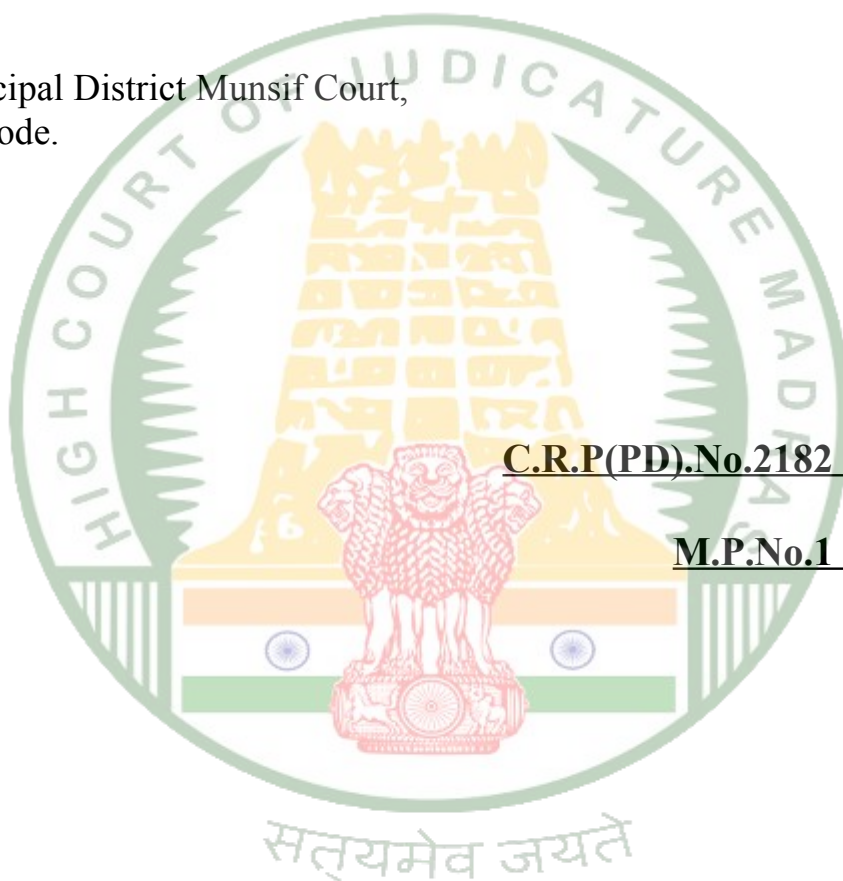
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CRP (PD).No.2182 of 2015

**P.RAJAMANICKAM, J.**  
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**To**

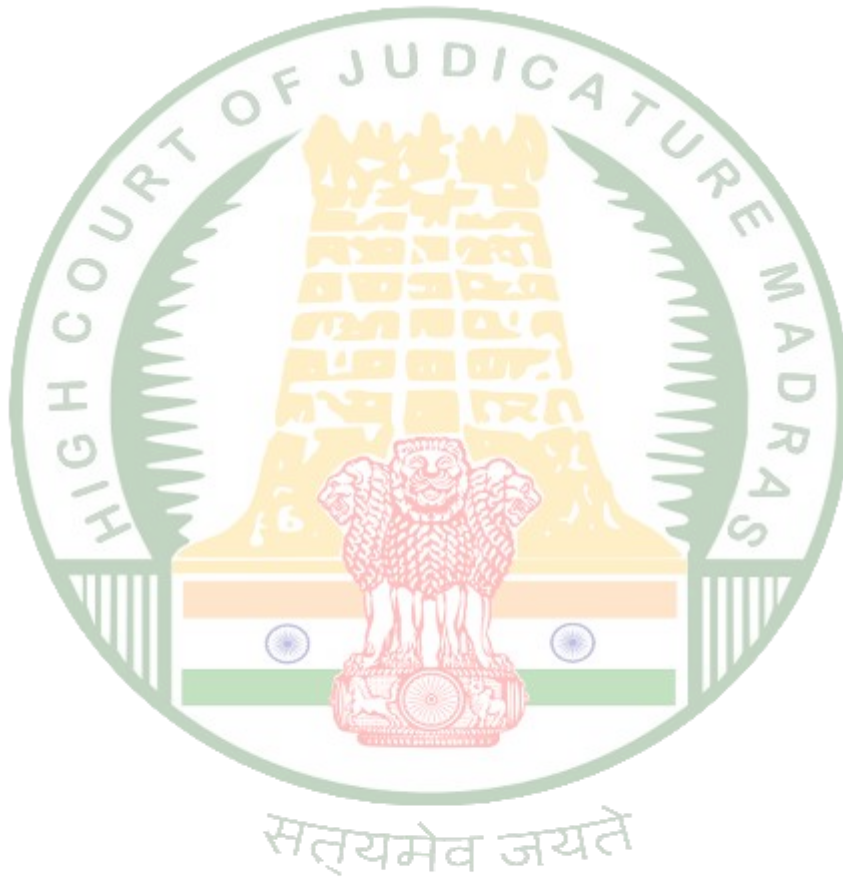
The Principal District Munsif Court,  
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