

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. PD 833 of 2020
and
C.M.P. 4418 of 2020

Perumal Gounder (died)

1. Chinnapaiyan
2. Saravanan
3. Murugan

... Petitioners

Versus

Karuppannan (died)

1. K.Sasikumar
2. K.Kannan
3. Senthamarai
4. Rangasamy
5. Kundappan @ Palanisamy
6. Kandasamy
7. Chinnapillai
8. Chandra
9. Sakunthala

... Respondents

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decretal order dated 11.11.2019 made in I.A. 03 of 2019 in O.S. 98 of 2011 on the file of the Addl. District Munsif, Tiruchengode.

For Petitioner : Mr.R.Marudhachalamurthy

ORDER

This Civil Revision Petition has been filed against the order dismissing the petitioners' application filed under Order 16 Rule 1(3) of C.P.C. to summon the District Collector, Namakkal to produce re-settlement register and 'A' register book in respect of suit schedule property.

2. The petitioners are defendants in the suit. The respondents/plaintiffs have filed a suit for permanent injunction. After commencement of trial, and the plaintiffs' evidence was over, the present application has been filed to call upon the District Collector to give evidence and to produce the above mentioned records. That application came to be dismissed by the court below. Challenging the same, the present Civil Revision Petition has been filed.

3. I have considered the submissions made by learned counsel appearing for petitioners and perused the records carefully.

4. The Suit has been filed seeking for bare injunction. It is for the plaintiffs to prove their possession, and incidentally, the title also. That apart, the suit is filed in the year 2011, already the trial has commenced, and the plaintiffs' evidence was also over, at this stage, the present application has been filed for the above purpose. Since it is a public document, the petitioners ought to have got the certified copies, and mark the same before the trial court. Without doing so, after 11 years of filing the suit, and commencement of trial, the present application has been filed. The Trial Court after considering the materials available on record, has rightly dismissed the application. I have also gone through the materials, I find no illegality or irregularity in the order passed by the court below, and I find no merit in this Civil Revision Petition. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

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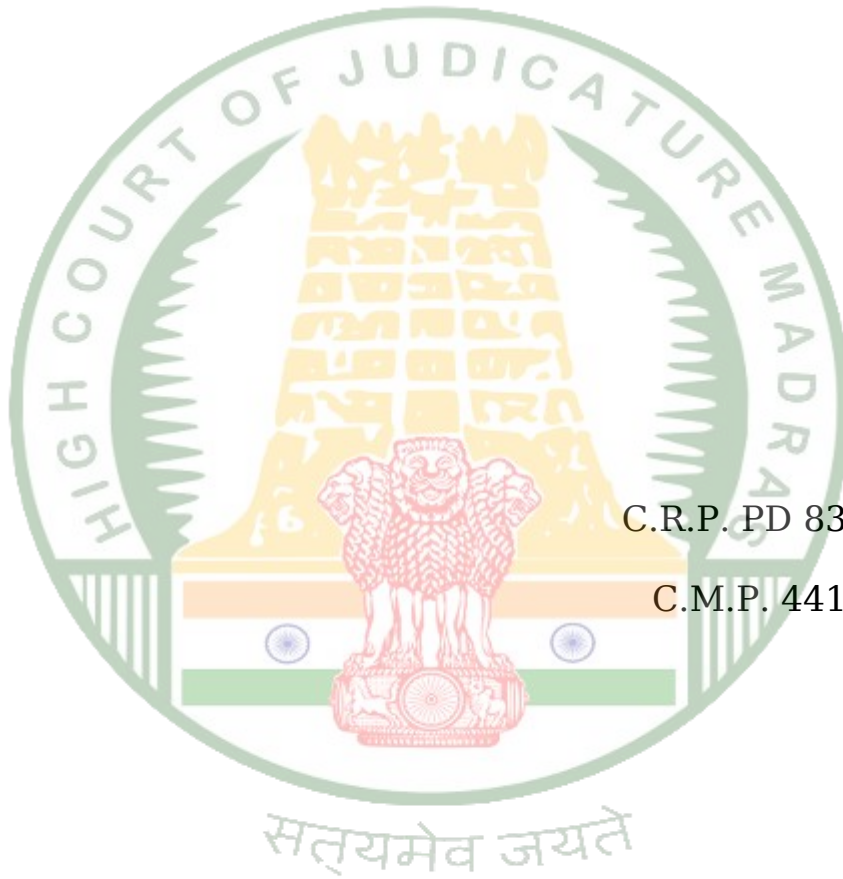
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To
Addl. District Munsif, Tiruchengode.

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V.BHARATHIDASAN,J.

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