

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.03.2020

Coram

The Honourable Mr.Justice D.KRISHNAKUMAR

**C.R.P(PD)No.1192 of 2020
and C.M.P.No.6449 of 2020**

S.Velumani

...Petitioner

Versus

1.N.Jothi
2.J.Chinnathai

...Respondents

This Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and final order dated 21.11.2019 passed in I.A.No.619 of 2019 in I.A.No.213 of 2018 in I.A.No.598 of 2015 in O.S.No.185 of 2015 on the file of the District Munsif Court, Harur, Dharmapuri District.

For Petitioner : Mr.C.Palanisamy

ORDER

The present Civil Revision Petition has been filed challenging the order dated 21.11.2019 passed by the learned District Munsif, Harur, Dharmapuri District in I.A.No.619 of 2019 in I.A.No.213 of 2018 in I.A.No.598 of 2015 in O.S.No.185 of 2015, in and by which, the learned District Munsif had dismissed the Interlocutory Application filed by the petitioner herein.

2. The plaintiffs in the suit are the respondents herein.

3. The brief facts of the case are as follows:

The respondents/plaintiffs filed a suit O.S.No.185 of 2015 before the District Munsif Court, Harur for the following reliefs:

(a) declaring the title for the plaintiffs over the suit properties mentioned as ABCD in the plaint plan;

(b) passing a perpetual order of injunction, restraining the defendants permanently and their persons from interfering in any manner whatsoever in

the peaceful possession and interrupted enjoyment of the suit properties mentioned as ABCD in the plaint plan and

(c) Awarding the cost of the plaintiffs.

3.1 While the aforesaid suit is pending on the file of the District Munsif Court, Harur, the respondents/plaintiffs filed an Interlocutory Application in I.A.No.598 of 2015 against the petitioner/first defendant and 4 other defendants for interim injunction and the said Application was allowed on 13.07.2017. Thereafter, the respondents/plaintiffs filed another Interlocutory Application in I.A.No.213 of 2018 seeking to take civil contempt action against the petitioner/first defendant and defendants 2 & 3 for disobeying the order dated 13.07.2017. Against I.A.No.213 of 2018, the petitioner/first defendant filed an Application in I.A.No.619 of 2019 seeking to examine the Land Grabbing Inspector who has closed the complaint of the respondents/plaintiffs. However, the learned District Munsif, Harur vide order dated 21.11.2019 dismissed the said I.A.No.619 of 2019. Aggrieved by the order of dismissal, the petitioner/first defendant has filed the present Civil Revision Petition before this Court.

4. The learned counsel for the petitioner would submit that the trial was commenced in the suit O.S.No.185 of 2015 and the matter was posted for examination of additional witnesses on the side of the defendants. He would also submit that based on the complaint given by the respondents/plaintiffs to the Inspector of Police, Land Grabbing Wing, Dharmapuri, the Inspector summoned the petitioner/first defendant and enquired him. Then the said complaint was closed by the Inspector. Hence, the petitioner/first defendant had filed I.A.No.619 of 2019 seeking to examine the Inspector of Police, Land Grabbing Wing, Dharmapuri who closed the respondents' complaint and produce the enquiry report.

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

6. Taking note of the facts and circumstances of the case, this Court is of the opinion that the Court below has rightly dismissed I.A.No.619 of 2019 filed by the petitioner/first defendant since the relief sought for by the petitioner/first defendant in the said Application can be granted only at the

stage of further examination of defendants' side witnesses. The petitioner's case deserves no merit of consideration. I find no infirmity in the order passed by the Court below.

7. In the result, this Civil Revision Petition is dismissed and the order dated 21.11.2019 passed by the learned District Munsif, Harur, Dharmapuri District in I.A.No.619 of 2019 in I.A.No.213 of 2018 in I.A.No.598 of 2015 in O.S.No.185 of 2015 is confirmed. No costs. Consequently, connected Miscellaneous Petition is closed.

mrr

Index : Yes/No

To

The District Munsif,
Harur, Dharmapuri District.

18.03.2020

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D.KRISHNAKUMAR, J.,

mrr



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