



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P. [MD]No.70 of 2020

and

C.M.P. [MD]No.349 of 2020

1.Mithar Mohaideen

2.Micheal Ammal

: Petitioners 1 & 2 / Defendants 1 & 3/
Revision Petitioners

Vs.

Rajas Educational and Charitable Trust through its
Vice Chairman A.Jesus Raja
Vadakkankulam,
Radhapuram Taluk,
Tirunelveli District.

: Respondent / Plaintiff / Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to call for the records relating to the order and decretal order dated 18.12.2019 in I.A.No.10 of 2019 in O.S.No.33 of 2013 on the file of the Subordinate Judge, Valliyoor, Tirunelveli District, allow the Revision Petition and set aside the same.

For Petitioners

: Mr.S.Hajamohideen Gisthi

O R D E R

This Civil Revision Petition is filed against the fair and final order of the trial Court dismissing the application filed to summon the Tahsildar Radhapuram, Tahsildar, Neiyatrangarai, Sub-Registrar, Parasala and Executive Officer, Kaval Kinaru Panchayat.

2.The lower Court however dismissed the same stating that the application is filed belatedly. Even after the direction given by the High Court in earlier occasions to dispose of the suit, the

<https://hcservices.mca.gov.in/hcservices/> not ready and filed this application. The trial



Court has also clearly found that the reasons assigned in the affidavit for examining the Tahsildar and Executive Officer is not sufficient since already the evidence was adduced in respect of Ex.A1 and the documents were already filed, though they were not necessary parties.

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3. Heard the learned Counsel appearing for the petitioners.

4. Learned counsel appearing for the revision petitioner vehemently contends that those witnesses were necessary to prove the case. Particularly, those witnesses were necessary to prove the date of registration of the Ex.A.1 document.

5. It is relevant to note that in an earlier occasion in C.R.P.[MD]No.1204 of 2019 and C.R.P.[MD]No.1535 of 2019, this Court allowed the revision petitioner to examine the Tahsildar, Radhapuram, Tahsildar, Neiyatrangarai and Sub-Registrar, Parasala and thereafter directed the trial Court to dispose of the suit within a period of six [6] months. Thereafter, the suit was posted on day-to-day basis and the above witnesses sought in the earlier Civil Revision Petitions were examined as P.W.s 3 to 5. Now, when the matter is posted for arguments, similar application is filed to issue summons to the said officials. The trial Court has clearly analysed the affidavit and the reasons assigned by the revision petitioner and held that in respect of Ex.A.1, there is already sufficient evidence adduced and in fact, concerned sub-registrar were also examined and the date of the registration is also available in the documents already filed and held that no further evidence of Sub-Registrar was required.

6. Similarly, as far as the Panchayat Executive Officer is concerned, Ex.B.19 is already filed by the defendants. Therefore, no documents whatsoever apart from Ex.B.19 or the oral evidence of the Executive Officer is necessary. Moreover, allegations in paragraph 10 of the affidavit itself clearly shows the conduct of the party. Such allegation itself is a bald allegation which makes it very clear that the intention of the revision petitioner is only to drag on the proceedings and not to conduct the case before the concerned Court. If such conduct is permitted or appreciated by the Courts, there cannot be any end for the litigants in dragging the proceedings to succeed in the maximum level to defeat the justice.

7. On a perusal of the order and the conduct of the parties, this Court finds that this application was filed when the matter is posted for defendant side arguments. The reasons assigned by the Trial Court does not require any interference. There is no illegality or irregularity. The parties at their whims and fancies cannot be permitted to stall the proceedings by inventing new grounds to reopen the cases to delay the suit further, despite the order of this Court directing the trial Court to dispose of the suit within a period of six [6] months. Hence, this Court is of the view that



absolutely there is no infirmity or illegality found. Accordingly, this Civil Revision Petition is dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The Subordinate Judge,
Valliyoor, Tirunelveli District.

+1 CC to M/s.S.HAJA MOHIDEEN GANTHI, Advocate (SR-1900[F]

Order made in

C.R.P. [MD]No.70 of 2020

Dated: 13.01.2020

MR

SDS (17.03.2020) 3P-3C