



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2020

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

C.R.P. (NPD) (MD) .No.515 of 2020

M.Thavamani

... Petitioner

Vs.

1.R.Suman,
The Revenue Divisional Officer,
Lathams Bungalow Road,
Ramanathapuram Town and District.

2.The Revenue Divisional Officer,
Lathams Bungalow Road,
Ramanathapuram Town,
Ramanathapuram District.

... Respondents

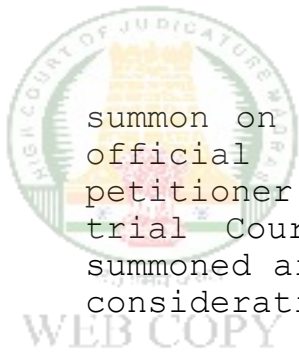
PRAYER: Civil Revision Petition is filed under Section 115 of the Civil Procedure Code against the order and decree in I.A.No.100 of 2018 in O.S.No.35 of 2013, dated 28.08.2019 on the file of the Principal District Court, Ramanathapuram.

For Petitioner	:	Mr.M.Thirunavukarasu
For R1	:	No appearance
For R2	:	Mr.J.Gunaseelan Muthiah Additional Government Pleader

O R D E R

The Civil Revision Petition is directed against the order dismissing the petition in I.A.No.100 of 2018 in O.S.No.35 of 2013 filed by the revision petitioner under Order 16 Rule 10 of C.P.C.

2. The revision petitioner is the plaintiff in O.S.No.35 of 2013 on the file of the Principal District Court, Ramanathapuram. It appears that the revision petitioner has earlier filed a civil revision petition in C.R.P.No.1621 of 2017 as against the order passed by the trial Court in I.A.No.12 of 2017. The civil revision petition was filed as against the order dismissing the petition filed by the revision petitioner under Order 7 Rule 14 of C.P.C., to receive the additional documents. While allowing the civil revision petition, this Court has directed the trial Court to send witness



summon on filing necessary batta by the revision petitioner to the official respondents, without formal application. Though the petitioner has filed an application, the same was dismissed by the trial Court holding that the documents which are sought to be summoned are not relevant to decide any of the issues that arise for consideration in the suit.

3. The learned counsel for the revision petitioner has confirmed the position that the suit in O.S.No.35 of 2013 has been dismissed by judgment and decree dated 28.05.2019. Hence, the learned counsel for the petitioner made an endeavour to protect the interest of the revision petitioner to agitate the points on which the present civil revision petition is filed. Section 105 of C.P.C. protects the rights of the revision petitioner to agitate all the points that are raised in the present revision petition, by pointing out the error, defect or irregularity in the order impugned in the present revision petition and the appeal filed by him as against the judgment and decree of the trial Court in the main suit. Giving such liberty to the revision petitioner, the Civil Revision Petition is closed as infructuous. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

akv

To

1.The Principal District Judge,
Ramanathapuram.

2.The Revenue Divisional Officer,
Lathams Bunglow Road,
Ramanathapuram Town,
Ramanathapuram District.

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