

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No.1210 of 2016
and CMP.No.6606 of 2016

1.P.Rajeswari

2.A.Kadiroli

3.Rathina Pandian

4.Prakash

(petitioners rep. by their Power Agent
Mr.A.Srinivasan,
S/o.Arasappa Padayachi,
T.3, 4th Floor, Ruby Manor Apartments,
No.108/208-A, Velachery Main Road,
Camp Road Junction,
Selaiyur, Chennai - 600 073

..Petitioners

Vs.

1.Sathishram, Power Agent of
T.Praveen Keerthi,
S/o.Kumar,
No.1, IOB Colony, 2nd Main Road,
Selaiyur, Chennai - 600 073

2.The Commissioner,
Tambaram Municipality,
Muthulinga Reddy Street,
West Tambaram, Chennai - 600 045

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside order and decree dated 03.12.2015 passed by the District Munsif, Tambaram in IA.No.790 of

2015 in OS.No.33 of 2008 and to allow the above civil revision petition.

For Petitioners : Mr.C.Prabakaran

For Respondents

For R1 : No appearance

For R2 : Mr.S.Jaganathan,
Government Advocate(CS)

ORDER

This civil revision petition is directed as against the order and decree dated 03.12.2015 passed by the District Munsif, Tambaram in IA.No.790 of 2015 in OS.No.33 of 2008 thereby dismissing the petition to reopen the plaintiff's case for examination of further witness.

2. Though notice was served to the first respondent, no one appeared on behalf of the first respondent before this Court in person or through pleader.

3. The petitioners are the plaintiffs and the respondents are the defendants. The petitioners filed suit for permanent injunction in respect of the suit property. While pending the suit, the petitioners filed petition to issue subpoena to the Tahsildar, Tambaram to produce

relevant documents in respect of the suit property. The official concerned appeared and deposed that the entire records are maintained by the Town Survey Office, Tambaram. Accordingly, again one, Uma Maheshwari, Revenue Inspector of Tambaram Taluk deposed before the trial court and stated that their Office is maintaining the documents in respect of the suit property only for three years and all other documents are vested with the Tahsildar Office, Tambaram. Therefore, the petitioners filed petition to summon Tahsildar, Tambaram for production of documents in respect of the suit property.

4. On perusal of the documents revealed that one, Uma Maheshwari, Revenue Inspector from the Town Survey Office, Tambaram deposed that they are maintaining the documents in respect of the suit property only for three years and other documents are vested with the Tahsildar, Tambaram. However, the court below without considering the same dismissed the petition.

5. Considering the above, this civil revision petition is allowed and the order dated 03.12.2015 passed by the District Munsif, Tambaram in IA.No.790 of 2015 in OS.No.33 of 2008 is set aside. The trial court is directed to issue summon to the Tahsildar, Tambaram for

production of documents in respect of the suit property. Thereafter, the trial court is directed to dispose of the suit within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. No order as to costs.

12.03.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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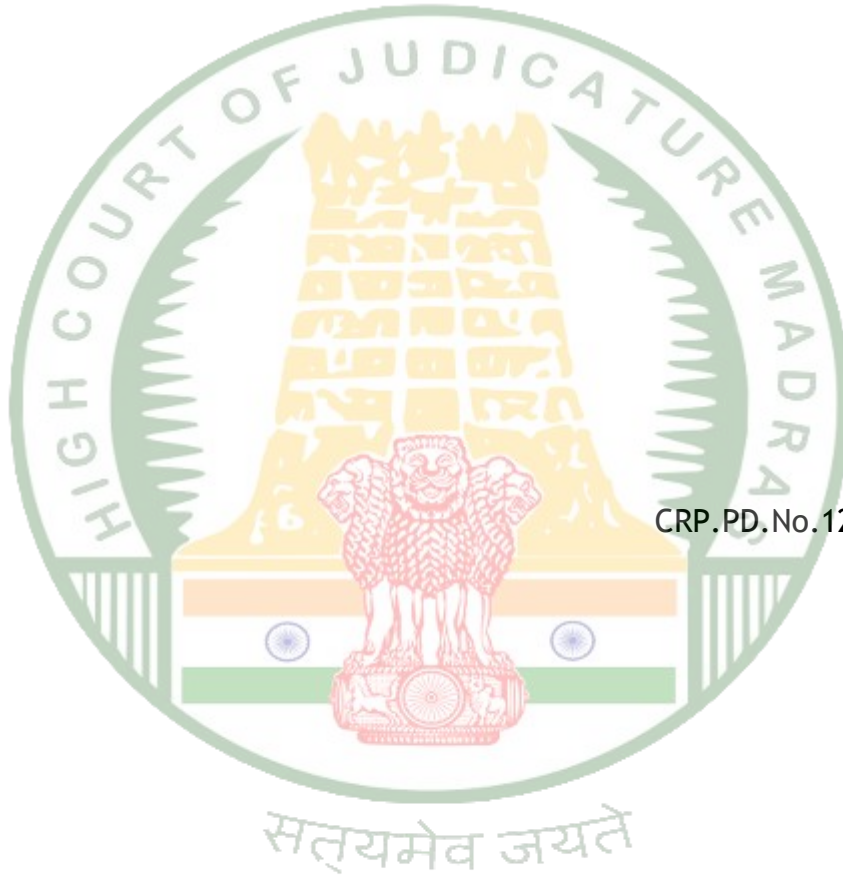
The District Munsif,
Tambaram



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G.K.ILANTHIRAIYAN,J.

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