



C.R.P. (PD) No. 1888 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08.12.2021**

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

C.R.P.(PD) No.1888 of 2019
and C.M.P. No.12422 of 2019

1. Panneerselvam
2. Muniammal
3. Saravanan

...Petitioners

Versus

Kala

...Respondent

Civil Revision Petition is filed under Article 227 of the Constitution of India, to set side the fair and decreetal order, dated 13.02.2019 passed in I.A. No.627 of 2018 in O.S. No.133 of 2014 on the file of Principal District Munsif Court, Tirupattur, Vellore District.

For Petitioners : Mr. P.A.Sudhesh Kumar

For Respondent : Mr. R.Jayaprakash

ORDER

This Civil Revision Petition is directed against the order passed by the Principal District Munsif Court, Tirupattur, Vellore District, in I.A. No.627 of 2018 in O.S. No.133 of 2014.



2. The revision petitioners are the defendants in O.S. No.133 of 2014 on the file of the Principal District Munsif Court, Tirupattur, Vellore District. The respondents in this Civil Revision Petition as plaintiffs filed a suit in O.S. No.133 of 2014 for declaration of title of the suit property and for permanent injunction restraining the defendants from interfering with the peaceful possession and enjoyment of the suit property by the plaintiff. The revision petitioners filed a written statement. Later the suit was amended as one for declaration of title and for recovery of possession. Earlier the suit was decreed by a judgment and decree dated 10.08.2016. However, the revision petitioners filed an appeal in A.S. No.34 of 2016 before the Sub Court, Tirupattur, and the same was allowed and the suit was remitted to the trial Court for fresh consideration permitting denovo trial. After remand, the revision petitioners filed an application to permit the petitioners to examine Village Administrative Officer, Simmanapudur Village, Tirupattur Taluk, to produce 'A' Register Chitta and Adangal for Fasli 1422 to 1426 Fasli and to give evidence thereon. The application was contested by the respondent on the ground that the Tahsildar and Deputy Tahsildar of the Tirupattur Taluk had already been examined and that they have produced 'A' Register which was marked as Ex.X1. Since the higher officials like Tahsildar and Deputy Tahsildar had already been examined to mark Adangal accounts and other revenue records, it is contended by the



respondent that the application filed by the revision petitioners is to drag on the proceedings. After holding that the examination of Village Administrative Officer is not necessary since the Tahsildar and Deputy Tahsildar have already been examined and 'A' Register as well as Chitta adangal for Fasli 1422 to 1426 Fasli had already been marked, the learned Principal District Munsif, Tirupattur, dismissed the application.

3. This Court is unable to find any irregularity in the order of the lower Court dismissing the petition which was filed after remand. Learned counsel contended that one of the Adangal extract for Fasli 1422 was not marked and therefore the Village Administrative Officer can be examined as he is the authority competent to prepare and maintain Adangal accounts. It is further stated that the appellate Court earlier remitted the matter to give opportunities to the parties to give further evidence. Referring to the same, the learned counsel further submitted that the lower Court refused to given an opportunity to the petitioner by dismissing the application. Learned counsel appearing for the petitioners is unable to point out any serious prejudice that is caused to the petitioners by the dismissal of the application.



4. This Court is of the view that the application is aimless since the documents which are sought to be marked by the Village Administrative Officer have already been marked. The Tahsildar and Deputy Tahsildar have already been examined to mark several revenue documents. Merely because one of the witnesses has spoken to the fact that one of the Adangal for Fasli 1422 was not marked, it is not necessary that some other witnesses should be called once again to mark similar document. The petitioners have not come up with any concrete case with regard to the Adangal in respect of Fasli 1422. In such circumstances, this Court is unable to find any bonafides in the petition. Having regard to the facts and circumstances of the case, this Court is of the view that the petitioners' application is unnecessary, unwarranted, lacks bonafides and unsustainable in law.

5. As a result, this Civil Revision Petition is dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petition is closed. The trial Court is directed to dispose of the suit as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

08.12.2021

Index: Yes/ No
Speaking Order / Non-Speaking Order
bkn



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C.R.P. (PD) No. 1888 of 2019

Copy to:

The Principal District Munsif,
Tirupattur, Vellore District.



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S.S.SUNDAR, J .,

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