

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

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

**C.R.P. (PD) No. 4348 of 2018
and CMP No. 23760 of 2018**

1. State of Tamil Nadu
rep. by the District Collector,
Salem.

2. The Divisional Engineer,
Highways, Salem – 7.

3. The Assistant Division Engineer,
Highways, Omalur,
Salem District.

4. The Assistant Engineer,
Highways, Omalur,
Salem District.

Petitioners

Vs

T.P. Jayammal (Deceased)

1. A.Saminathan

2. Ayyanar

Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 05.10.2018 made in I.A.No.923 of 2018 in O.S.No.29 of 2003 on the file of the District Munsif, Omalur.

For Petitioners : Mr.Edwin Prabakar
Government Advocate (CS)

ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 05.10.2018 made in I.A.No.923 of 2018 in O.S.No.29 of 2003 on the file of the District Munsif, Omalur, thereby allowing the petition to send summon to the Thasildar, Omalur, for giving evidence and placing the revenue records of the suit property in S.No.166.

2. When the matter was listed on 04.01.2019, at the request of the learned counsel for the petitioners, the matter was adjourned to 10.01.2019. Even today i.e. 24.06.2021, when the matter is listed under the caption for “Adjourned Admission”, the learned counsel for the petitioners again sought for adjournment.

3. In view of the above, it clearly shows that the learned counsel for the petitioners has no interest in proceeding with the case further. Further, the Civil Revision Petition is pending for the past three years, without even admitting the same or ordering notice. Therefore, this Court is not inclined to entertain this petition. Accordingly, the Civil Revision Petition is liable to be dismissed.

4. However, the learned Government Advocate (CS) appearing for the petitioners would submit that the suit is filed in respect of the property comprised in Survey No.165/5 on the file of the District Munsif, Omalur. Whereas, they filed a petition to summon the Thasildar to depose about the property comprised in Survey No.166. Therefore, the petitioner is at liberty to cross-examine the proposed witness before the Court below to that extent.

5. With the above observation, the Civil Revision Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

28.07.2021

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Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No

To
1. The District Munsif,
Omalur.

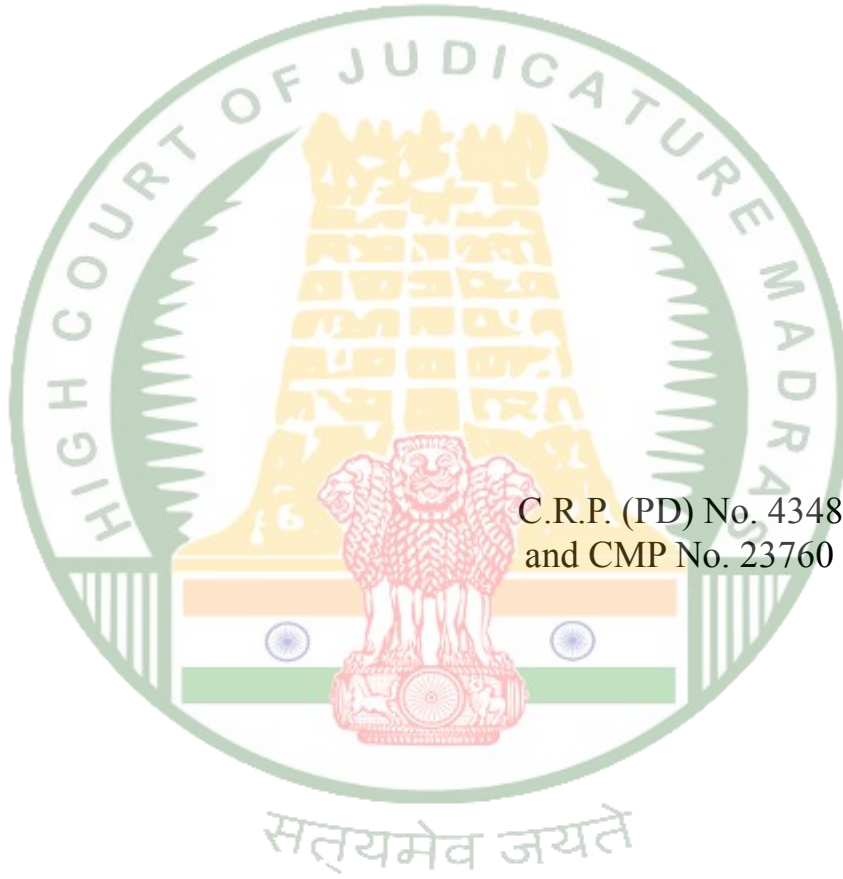
2. The Section Officer,
V.R.Section,
High Court, Madras.

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