



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2021

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.R.P. (MD)Nos.734 and 735 of 2021

and

C.M.P. (MD)No.3982 of 2021

WEB COPY

1.Kasi

2.Manikandan

by his Power Agent

Kasi

: Petitioners/ Petitioners /Plaintiffs
(in both petitions)

Vs.

1.Iyyappan

2.The District Revenue Officer,
District Revenue Office,
Pudukkottai Town, Pudukkottai District.

3.The District Collector,
District Collector Office,
Pudukkottai District.

4.R.Valliammai : Respondents/Respondents /
Defendants
(in both petitions)

COMMON PRAYER: Civil Revision Petitions have been filed under Article 227 of Constitution of India, to set aside the fair and Ex-order dated 18.12.2020 made in I.A.Nos.498 & 499 of 2020 in O.S.No.186 of 2011 on the file of the Additional Sub Judge, Pudukkottai.

(in both petitions)

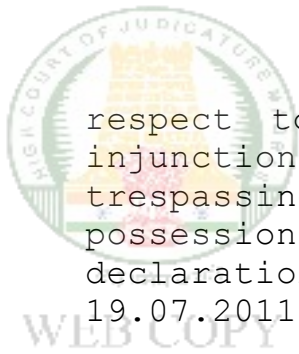
For Petitioners : Mr.S.Alagusundar

COMMON ORDER

These Civil Revision Petitions are directed against the orders passed in I.A.Nos.498 & 499 of 2020 in O.S.No.186 of 2011 on the file of the Additional Sub Judge, Pudukkottai.

2.Since the points to be decided in both the revisions are one and the same, both are taken up together and a common order is being passed.

3.The revision petitioners as plaintiffs have filed the
<https://hcservices.ecourts.gov.in/CsServices/> O.S.No.186 of 2011, claiming relief of declaration with



respect to 'A' and 'B' schedule properties and for permanent injunction, restraining the defendants 1 and 4 and their men from trespassing in any manner or interfering with the peaceful possession and enjoyment of the said properties and also for declaration, that the order passed by the second respondent dated 19.07.2011 is null and void.

4. After completion of trial, when the suit was posted for arguments, the above two applications came to be filed i.e., petition in I.A.No.498 of 2020 to re-open the case and the petition in I.A.No.499 of 2020 filed under Order 16 Rule 14 CPC for summoning the Record Assistant attached to the Collector Office, Pudukkottai.

5. The case of the revision petitioners is that they have already filed the certified copies of SLR, Settlement Register, that the original registers are available in the Record Section of the Collector Office, that the Record Assistant attached to the Collector Office, Pudukkottai is to be summoned to give evidence and produce the original SLR, Settlement Register and other revenue records and that therefore, the case which was posted for arguments has to be re-opened.

6. It is evident from the impugned order and other records available that the first respondent/first defendant alone has filed the counter statement. The first respondent in his counter statement has taken a stand that though the other defendants were made parties to the above applications, neither notice of the above applications nor a copy of the above application were served on them. Though the learned Subordinate Judge has observed that the arguments of the petitioners and the respondents were heard, he has not shown as to whether the other defendants 2 to 4 had participated in the enquiry, now under challenge.

7. It is admitted by both the parties that the petitioners have already filed the certified copy of the SLR and that same was exhibited as Ex.A.3. The petitioners have now sought for summoning the official from the District Collectorate for producing the original of Ex.A.3 and Settlement Register. The learned trial Judge, has specifically stated that on perusal of Ex.A.3, it can be seen that it is clear, legible and properly certified and that Ex.A.3 was marked without any objections. If that be so, this Court is at loss to understand as to why the petitioners have sought for production of the original of Ex.A.3.

8. Moreover, as rightly pointed out by the trial Court, the petitioners have stated in their prayer that the summoning official is to be directed to produce the original of SLR, Settlement Register and other revenue records, but, he has not



furnished any particulars or the nature of the revenue records sought to be produced.

9. As rightly contended by the first respondent in his counter statement, the District Collector and the District Revenue Officer are the parties to the suit. But, admittedly the petitioners have not issued any notice to the said defendants to produce the documents now sought for.

10. It is pertinent to mention that the suit was filed in the year 2011. It is evident from the impugned order that the trial was commenced as early as on 15.09.2014 and after completion of trial and when the case was adjourned for arguments, the petitioners have come forward with the above petitions.

11. On considering the facts and circumstances of the case, as rightly observed by the learned trial Judge, that the above petitions came to be filed at the fag end of the suit only to protract the proceedings. Hence, the decision of the learned trial Judge, dismissing the applications cannot be found fault with. Consequently, this Court is not inclined to admit the revision.

12. In the result, these Civil Revisions are dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

das

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

The Additional Sub Judge, Pudukkottai.

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