



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

C.R.P. (MD) (PD) No.1318 of 2014

Murugan

... Petitioner/Plaintiff

-vs-

Arumugam

... Respondent/4th Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 12.06.2014 in I.A.No.407 of 2014 in O.S.No.210 of 2012 on the file of the District Munsif Court, Kovilpatti, and allow this civil revision petition.

For Petitioner : Mr.N.S.Ramakrishna Dass

For Respondent : Mr.P.Venkatesan

O R D E R

This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 12.06.2014 in I.A.No.407 of 2014 in O.S.No.210 of 2012 on the file of the District Munsif Court, Kovilpatti and allow this civil revision petition.

2.The facts of the case, in a nutshell, are that the petitioner is the plaintiff and the respondent is the fourth defendant. The suit was filed for declaration and permanent injunction. In the suit, the respondent has filed IA.No.407 of 2014 to call the Special Tahsildar (Adi Dravidar) for production of the sketch, records and giving evidence before the trial Court. The said application was allowed by the impugned order. Hence, the present revision has been filed.

3.The learned counsel for the petitioner would submit that on 10.11.1973, the suit property has already been allotted by the Government to the petitioner's father and that the sketch and records have already been submitted by the petitioner and that there is no necessity to examine the Special Thasildar and only with an intention to drag on the suit proceedings, the present application has been filed.

4.The learned counsel for the respondent would submit that the land in Survey No.67/3A2 has been allotted to seven persons, who belonged to Adi Dravidar and one of the plots was allotted to the petitioner's father and that in order to ascertain the persons to whom the plots were allotted and to prove the case of the defendants, the application seeking examination of the Special



Thasildar was rightly allowed by the impugned order and hence, this civil revision petition is liable to be dismissed.

5.This Court heard the learned counsel on either side and considered their submissions and also carefully perused the materials placed on record.

6. The respondent had sought to examine the Special Tahsildar and to produce the revenue records. By calling the Special Tahsildar to give evidence and produce the relevant records, no prejudice will be caused to the other side. Considering the said aspects, in order to put a quietus to the suit proceedings, the application was rightly allowed by the court below, by the impugned order, which warrants no interference by this Court. Accordingly, this Civil Revision Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp/msa

To:

The District Munsif Court,
Kovilpatti.

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