



WEB COPY



CRP.Nos716, 719 & 720 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2022

CORAM

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

**Civil Revision Petition Nos. 716, 719 and 720 of 2020
&
CMP.No. 3711 of 2020**

Narayanasamy

.. Petitioner

Versus

Pottiyammal (died)

1. Mottaiyan
2. Sadayan
3. The Superintendent Engineer,
Tamil Nadu Electricity Board,
Villupuram, Villupuram District.
4. The Divisional Engineer,
Tamil Nadu Electricity Board,
Villupuram, Villupuram District.
5. The Assistant Divisional Engineer
Operation and Maintenance,
Tamil Nadu Electricity Board,
Melnariyappanur Village,
Kallakurichi Taluk,
Villupuram District.
6. The Junior Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Melnariyappanur Village,



CRP.Nos716, 719 & 720 of 2020

Kallakurichi Taluk,
Villupuram District.

7. Chinnammal
8. Umachi

.. Respondents

Prayer in CRP.No.716/2020: Civil Revision Petition filed under Article 227 of Constitution of India against the fair and decreetal order dated 29.04.2019 made in I.A.No.151 of 2019 in O.S.No.125 of 2009 on the file of the learned Principal District Munsif Court, Kallakurichi.

Prayer in CRP.No.719/2020: Civil Revision Petition filed under Article 227 of Constitution of India against the fair and decreetal order dated 09.09.2019 made in I.A.No.415 of 2019 in O.S.No.125 of 2009 on the file of the learned Principal District Munsif Court, Kallakurichi.

Prayer in CRP.No.720/2020: Civil Revision Petition filed under Article 227 of Constitution of India against the fair and decreetal order dated 09.09.2019 made in I.A.No.416 of 2019 in O.S.No.125 of 2009 on the file of the learned Principal District Munsif Court, Kallakurichi.

For Petitioner : Mr. N. Manoharan

COMMON ORDERS

These Revision Petitions are filed against the fair and decreetal orders dated 29.04.2019 and 09.09.2019 made in I.A.No.151 of 2019 and I.A.No.415 of 2019 & I.A. No.416 of 2019 in O.S.No.125 of 2009, respectively on the file of



the learned Principal District Munsif Court, Kallakurichi.

WEB COPY

2. The Revision Petitioner is the plaintiff in O.S. No.125/2009 on the file of the Principal District Munsif, Kallakurichi. He filed the suit against the respondents/defendants for a declaration of his title to the suit property and also for recovery of possession. The respondents/defendants filed a written statement and both the parties went for trial. The examination of witnesses on the side of the plaintiff and the defendants was closed on 22.11.2017 and the suit in O.S. No.125/2009 now stands posted for arguments.

3. At that stage, the present revision petitioner/plaintiff filed applications in I.A. No. 150/2019 and I.A. No.151/2019 to reopen the case which is posted for arguments and to summon the Tahsildar, Chinna Salem, in order to get clarifications with regard to an Adangal extract (Ex.B7) marked by the defendants on their side. Both the applications were dismissed by the learned Principal District Munsif, Kallakurichi vide his orders dated 29.04.2019. Thereafter, the revision petitioner/plaintiff filed applications in I.A. No. 415/2019 and I.A. No.416/2019 once again to reopen the case and to send for adangal extracts for the Fasli years 1380 to 1399. Both the applications were dismissed by the learned District Munsif vide orders dated 09.09.2019.



4. Aggrieved over all these orders, the present Civil Revision Petitions have been filed.

5. Mr. N. Manoharan, learned counsel appearing for the revision petitioner contended that the defendants marked a copy of Adangal as Ex.B7 and that according to the defendants, the said document was created for the purpose of the suit. It is therefore his contention that examination of the Tahsildar, Chinna Salam, is absolutely necessary for arriving at a just decision of the case on hand. He also submitted that the trial court even without considering the contentions raised by the petitioner/plaintiff in his affidavit dismissed all the applications.

6. A perusal of the orders dated 09.09.2019 passed by the trial court in I.A. No.415/2019 and I.A. No.416/2019 shows that the revision petitioner/plaintiff has been filing petitions after petitions to protract the proceedings. It is appropriate to extract the orders dated passed by the trial court in I.A. No.451/2019 & I.A. No.416/2019.

"7. The suit was instituted in the year 2009. When the case is posted for defendant side witnesses on 11.06.2017 and the petitioner filed re-open and recall on 08.06.2017 and the said petition was allowed on 19.08.2017 and is posted for the re-call of PW1 and PW1 was examined on 11.09.2017 and Ex.A6 to Ex.A8



were marked. Both side examination and cross examination were over on 23.01.2019 and the case was re-opened for examination of witnesses and further it was posted for argument on 13.06.2019. Then on 26.06.2019 this petition was filed to re-open and send for document.

8. The petitioner feels that the document having in his hand is different from the document marked as Ex.B7, the petitioner might have produced the document before the court or he may file the document along with this petition. The petitioner counsel having another chance to get a certified copy from the Tahsildar, and he may marked it before the court to show the document Ex.B7 is not true.

9. The DW1 was examined on 22.11.2017, but the petitioner filed this petition after a lapse of 1 1/2 years and especially when the case is posted for arguments which is unsustainable.

The trial court is right in holding that the plaintiff can file certified copies of Adangal extracts for the relevant period to disprove Ex.B7. It is also pertinent to mention that Ex.B7 was issued by Deputy Tahsildar, Kallakuruchi and not by Tahsildar, Chinna Salem. This is clearly mentioned in the orders in I.A. No.150/2019 & I.A. No.151/2019. In spite of the same, as already observed, the petitioner/ plaintiff has been filing applications before the trial court and this is



CRP.Nos716, 719 & 720 of 2020

just to protract the proceedings. This is clearly an abuse of process of law and therefore, I do not see any reason to interfere with the findings recorded by the trial court. Accordingly, all the Civil Revision Petitions are dismissed.

7. In the result,

- i. the Civil Revision Petitions are dismissed. No costs. Consequently connected miscellaneous petition is dismissed.
- ii. the fair and decretal orders dated 29.04.2019 and 09.09.2019 made in I.A.No.151 of 2019 and in I.A.No.415 & I.A. No.416 of 2019 in O.S.No.125 of 2009, respectively on the file of the learned Principal District Munsif Court, Kallakurichi, are upheld.
- iii. Since the suit is of the year 2009, the learned Principal District Munsif, Kallakurichi, is directed to dispose of the suit as expeditiously as possible.

16.09.2022

Index:yes/no
Internet : Yes/No
bga

R. HEMALATHA, J.

bga



CRP.Nos716, 719 & 720 of 2020

To

WEB COPY

The Principal District Munsif Court, Kallakurichi.

**Civil Revision Petition Nos. 716, 719
and 720 of 2020
&
CMP.No. 3711 of 2020**

16.09.2022