



C.R.P(NPD).No.2422 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.2422 of 2022
and C.M.P.No.12557 of 2022

1.Mahalingam
2.Shanmugam Rasu

... Petitioners

..Vs..

1.M.K.Raju
2.M.K.Thangavelu
3.K.Arumugam
4.Sarasu
5.Muruges
6.Nachimuthu
7.Ponnusamy

...Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and final order passed in I.A.No.7 of 2022 in O.S.No.57 of 2013 dated 03.06.2022 on the file of the District Munsif Court, Perundurai.

For Petitioners : Mr.S.Kaithamalai Kumaran



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ORDER

This Civil Revision Petition has been preferred challenging the order of the learned District Munsif, Perundurai dated 03.06.2022 made in I.A.No.7 of 2022 in O.S.No.57 of 2013.

2.The revision petitioners are the defendants, against whom, the respondents 1 to 4 /plaintiffs have filed a suit for permanent injunction. After the trial was commenced and the witnesses were examined on both sides, the defendants have filed an interlocutory application in I.A.No.7 of 2022 to summon some of the official witnesses as Court witnesses and the said petition was dismissed. Aggrieved over that, the petitioners have preferred this revision petition.

3.On a perusal of the affidavit filed in support of the petition filed by the petitioners to summon the official witnesses, it is seen that the plaintiffs were able to get patta and electricity connection by making use of forged documents, for which the Government Authorities are also



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parties, only if the Government witnesses like Village Administrative Officer, Junior Engineer (Electricity Department, Thingalur), Taluk Surveyor (Perundurai) and Tahsildar (Perundurai) are summoned and examined before the Court, the real facts would come to light.

4.The above pleadings of the revision petitioners would only show that there is a patta and electricity connection standing in favour of the plaintiffs. Even though it is alleged by the defendants that those documents have been obtained by producing forged basic documents, the petitioners have not taken any action against any of the Government Officials. This is a simple suit for permanent injunction basing on enjoyment and there is no prayer for declaration also. The plaintiffs themselves have not chosen to include the Government Officials as parties to the suit, in view of the limited scope of the suit. The learned trial Judge has rightly observed that the respondents 1 to 4 being the plaintiffs, have got the burden to prove their entitlement to get the relief sought by them. In such background of the facts, it is unnecessary to call all the



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Government Officials for deposing evidence as Court witnesses. Unless the Court intends to summon any of the witnesses and treats them as Court witnesses, the revision petitioners cannot compel the Court to summon any witnesses and treat them as Court witnesses. The learned trial Judge has rightly dealt the issue and dismissed the petition. In my opinion it does not call for any interference.

5.In view of the above observations, this Civil Revision Petition is dismissed and the order of the learned District Munsif, Perundurai dated 03.06.2022 made in I.A.No.7 of 2022 in O.S.No.57 of 2013, is hereby confirmed. No costs. Consequently, connected Miscellaneous Petition is also closed.

03.08.2022

Index:Yes No
Speaking Order:Yes/No

vkr



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To

- 1.The District Munsif,
Perundurai.
- 2.The Section Officer,
VR Section, Madras High Court,
Chennai.



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R.N.MANJULA,J.

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