



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.4152 of 2022

and

C.M.P.No.21670 of 2022

Gengasalam

... Petitioner

Vs.

1.Thangarasu

2.The Junior Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Nallur,
Veppur Taluk.

3.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Boodamur,
Virudhachalam.

4.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,

5.The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
365, Anna Salai, Chennai -2.

6.M.Sanjeevarayar



7.The Tahsildar,
Veppur, Veppur Taluk.

8.The Tamil Nadu Government,
Represented by District Collector,
Cuddalore District, Cuddalore.

9.Mookayi @Poongavanam

10.Rasangam

11.Gandhi ... Respondent

Prayer:Civil Revision Petition filed under article 227 of the Constitution of India against the Fair and Decreetal order of the learned Principal District Munsif, Virudhachalam dated 06.07.2022 passed in I.A.No.235 of 2020 in O.S.No.241 of 2014.

For Petitioner	: Mr.Antony Jesus
For Respondent	: Mr.P.Harish, Government Advocate (crl. Side) (for R7 and R8)

ORDER

The Civil Revision Petition has been filed challenging the order dated 06.07.2022 in I.A.No.235 of 2020 in O.S.No.241 of 2014. The suit was instituted for mandatory injunction. The revision petitioner is the plaintiff, who instituted the suit. The suit is pending at the stage of production of



further evidences on the side of the plaintiff, after examination of plaintiff as P.W-1. The defendants, at that point of time had not produced their respective evidences. Under those circumstances, the trial Court found that the revision petitioner/ plaintiff cannot force the contesting defendants to give evidences on the side of the plaintiff. It is the liberty of the parties to give evidences before the competent court of law. If the defendants are not interested in giving evidences, it is for the plaintiff to establish his case in the manner known to law. However, the plaintiff cannot insist the defendants to give evidence on his side which is impermissible. This Court do not find any perversity in the findings made in the order impugned.

2. With these observations, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

15.12.2022

skr/Jeni
Index : Yes
Speaking order



To

- 1.The Junior Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Nallur, Veppur Taluk.
- 2.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Boodamur,
Virudhachalam.
- 3.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
- 4.The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
365, Anna Salai, Chennai -2.
- 5.The Tahsildar,
Veppur, Veppur Taluk.
- 6.The Tamil Nadu Government,
Represented by District Collector,
Cuddalore District, Cuddalore.



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S.M.SUBRAMANIAM, J.

skr

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