



CRP(PD)(MD)No.1278 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.1278 of 2022

and

C.M.P.(MD)No.5244 of 2022

Pethanaraja

... Revision
Petitioner

versus

1. K.Aandavar
2. Marimuthu
Ganapathy Thevar (died)
3. Krishnammal
4. Deivam
5. Chinnarasu
6. Pandiammal
7. Kalaiselvi
8. Malaichamy

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 09.03.2022 made in I.A.No.16 of 2021 in O.S.No.72 of 2015 on the file of the District Munsif Court, Theni, Theni District.



For Revision
Petitioner : Mr.S.Ramasamy

ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 09.03.2022 passed in I.A.No.16 of 2021 in O.S.No.72 of 2015 by the District Munsif Court, Theni.

2. The revision petitioner is the 8th plaintiff in O.S.No.72 of 2015 on the file of the District Munsif Court, Theni. The revision petitioner and others filed the said suit for permanent injunction. Pending the suit, the plaintiffs filed an interlocutory application in I.A.No.16 of 2021 in O.S.No.72 of 2015 under Order 16 Rule 1 C.P.C. for adducing additional evidence by examining the Revenue Divisional Officer, Periyakulam, to mark the documents filed in the appeal in Na.Ka.No. 5169/2016. The trial Court, by order dated 09.03.2022, dismissed the said application. Aggrieved over the same, the present Civil Revision Petition has been filed.



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3. The learned counsel appearing for the revision petitioner submits that the revision petitioner and other plaintiffs are owners of the suit schedule property. However, on the application filed by the defendants/respondents herein, the Tahsildar passed an order for issuing a joint patta in favour of the plaintiffs and also in favour of respondents 1 to 3. Against the order of the Tahsildar dated 16.10.2016, the plaintiffs filed an appeal before the Revenue Divisional Officer, Periyakulam, in Na.Ka.No.5169/2016 and the same is still pending. The revision petitioner has also filed a writ petition before this Court for speedy dispose of the appeal pending before the Revenue Divisional Officer, Periyakulam.

4. The learned counsel appearing for the revision petitioner further submits that while filing the appeal against the order of the Tahsildar, the plaintiffs have been filed the original documents before the Revenue Divisional Officer, Periyakulam and now, those



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documents are required for effective adjudication in O.S.No.72 of 2016 and therefore, the plaintiffs filed the application I.A.No.16 of 2021 under Order 16 Rule 1 C.P.C. However, the trial Court, without appreciating the grounds raised therein, has erroneously dismissed the said application.

5. This Court perused the materials available on record and also the impugned order passed by the trial Court.

6. The learned trial Judge, while rejecting the request of the plaintiffs for adducing evidence by examining the Revenue Divisional Officer, Periyakulam, permitted the plaintiffs to mark the documents by obtaining certified copies and place the same before the Court. For marking of documents, there is no necessity for the Revenue Officials to be examined as a party. Therefore, this Court is of the view that the trial Court has rightly dismissed the said application and no interference is required in this case.



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7. Accordingly, the Civil Revision Petition is dismissed. The petitioner is at liberty to obtain certified copies of the documents, which are intended to be marked as evidence, from the concerned authority and mark the same before the trial Court.

8. However, considering the fact that the suit is of the year 2015, the trial Court is directed to conclude the trial and dispose of the suit, within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet: Yes / No

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To

1. The District Munsif Court,
Theni.

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B.PUGALENDHI, J.

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