



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2022

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THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P(MD).No.1523 of 2021 and
CMP(MD).No. 8399 of 2021

Tenkasi Municipality
rep. by its Commissioner,
Tenkasi-Tirunelveli Main Road,
Tenkasi.

: Petitioner

Vs

1.Chinnammal
2.P.Ekaraj
3.Jinnah

: Respondents

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 18.02.2021 made in I.A.No.3 of 2019 in O.S.No.430 of 2017 on the file of the Principal Sub Court, Tenkasi.

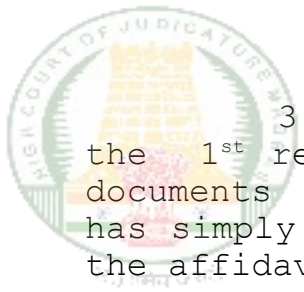
For petitioner : Mr. P. Athimoolapandian

For 1st respondent : Mr. G. Karthik

ORDER

The revision petitioner, who is the defendant, has filed this Revision to set aside the order dated 18.02.2021 made in I.A.No.3 of 2019 in O.S.No.430 of 2017 on the file of the Principal Sub Court, Tenkasi.

2. The said Interlocutory Application filed by the 1st respondent / plaintiff to sent for documents from the revision petitioner on the ground that the defendant has filed written statement and has stated that the property belongs to Municipality. The suit was filed by the 1st respondent / plaintiff for declaration of 3rd item of suit schedule property on the basis of adverse possession and also permanent injunction and also for damages for removal of building in third item.



3. The suit is pending for cross of PW.1. At this stage, the 1st respondent / plaintiff filed I.A.No.3 of 2019 to sent for documents from the revision petitioner. However, the trial Court has simply allowed the petition stating that the reasons stated in the affidavit satisfied, on payment of batta without any discussion.

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4. The plaintiff has to prove his possession on his another documentary evidence and he cannot sent for different documents to prove his possession. Without considering the objection filed in the counter, the trial Court has straight away allowed the said Interlocutory Application, without any merits. Therefore, this Court is inclined to set aside the order passed in I.A.No.3 of 2019 in O.S.No.430 of 2017 on the file of the Principal Sub Court, Tenkasi.

5. Accordingly, the Civil Revision Petition is allowed and the impugned order passed in I.A.No.3 of 2019 in O.S.No.430 of 2017 on the file of the Principal Sub Court, Tenkasi is set aside.

6. Since the suit is of the year 2017, the learned Principal Subordinate Judge, Tenkasi is directed to dispose of the suit in O.S.No.430 of 2017, pending on its file within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To

The Principal Subordinate Judge, Tenkasi.

+1 CC to M/s.N.GANAGASAPATHY, Advocate (SR-7338[F] dated 21/02/2022)

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