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C.R.P.No.258 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.258 of 2023

and

C.M.P.No.2104 of 2023

1.Mr.V.Radhakrishnan

2.Mrs.N.Suseela

3.V.Velumani

4.Pushpam

5.Poovathal

... Petitioners

Vs.

1.Mr.K.Duraisamy

2.Mrs.T.Backiyalakshmi

3.Mr.K.Gnanavel

4.Mrs.B.Poongodi

5.Mrs.R.Shanthi

6.Mrs.B.Nandhini



7.Mrs.Manipriya

8.Selvi B.Keerthana

9.Mrs.N.Ruckmani

10.Mr.N.Vivek

11.Mr.N.Mathi

12.Mr.N.Selvaraj

13.Mrs.N.Dhanalakshmi

14.Mrs.N.Thilagavathy

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 20.12.2022 made in I.A.No.06 of 2022 in O.S.No.36 of 2017 on the file of Sub Court, Mettupalayam.

For Petitioners

: Mr.M.Guruprasad

ORDER

The Civil Revision Petition has been filed against the fair and decreetal order dated 20.12.2022 made in I.A.No.06 of 2022 in O.S.No.36 of 2017 on the file of Sub Court, Mettupalayam.



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2. The revision petitioners are the defendants in the suit and the respondents 1 to 11 instituted a Suit in O.S.No.36 of 2017 for Partition.

3. During the pendency of the suit, the revision petitioners/defendants filed an Interlocutory Application in I.A.No.06 of 2022 in O.S.No.36 of 2017 for summoning jurisdictional Tahsildar for production of the revenue records in respect of the suit schedule properties.

4. The trial Court adjudicated the grounds, on which, the relief has been sought for in the Interlocutory Application and made a finding that the suit is for partition and therefore, the list of witnesses stated in the pleadings alone can be examined during the course of trial. The defendants have not raised any objections in respect of the property tax receipts, copy of patta and other documents, more so, the Court made a finding that Revenue documents alone cannot be the criteria for deciding the title and thus, the relief sought for to summon the Tahsildar in the suit for Partition became unnecessary.



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5. The parties to the suit are expected to establish their respective cases based on the documents and evidences. The Revenue authorities are bound to perform public duties and in respect of the private suits, they need not be summoned by the Courts unnecessarily, which would cause inconvenience for performing the public duties by those authorities. Only if the Court finds it necessary to summon those officials at the instance of parties to the suit, the Tahsildar or the Government officials can be summoned for the purpose of giving evidences or for production of documents.

6. In the present case, the suit is for Partition and the parties are at liberty to establish their cases independently through documents and evidences. This being the factum, this Court do not find any infirmity in respect of the order passed by the trial Court, rejecting the Interlocutory Application filed by the revision petitioners/defendants.



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7. Accordingly, the fair and decreetal order dated 20.12.2022 made in I.A.No.06 of 2022 in O.S.No.36 of 2017 on the file of Sub Court, Mettupalayam stands confirmed and consequently, the Civil Revision Petition in C.R.P.No.258 of 2023 is dismissed. No costs. Connected miscellaneous petition is closed.

07.02.2023

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Index : Yes
Speaking order
Neutral Citation : Yes

To

The Judge,
Sub-Court,
Mettupalayam.



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S.M.SUBRAMANIAM, J.

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