



WEB COPY



C.R.P. NO.1815 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM:

THE HON'BLE DR.JUSTICE D.NAGARJUN

**C.R.P.No.1815 of 2023
and
C.M.P.No.11680 of 2023**

Subramaniam (died)
Palaniammal (died)

1.Saraswathi
2.R.Kannagi
3.V.Kavitha

... Petitioners

Vs.

K.Manimohan

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 21.12.2022 made in I.A.No.8 of 2022 in O.S.No.366 of 2013 on the file of the Additional District Munsif Court, Tiruchengode.

For Petitioners : Mr.N.Manoharan

ORDER

Heard Mr.N.Manoharan, learned counsel for the petitioners and perused the records.



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2. This civil revision petition is filed questioning the dismissal of

I.A.No.8 of 2022 in O.S.No.366 of 2013 on the file of the Additional District Munsif Court, Tiruchengode, wherein the request of the petitioners to examine the Advocate Commissioner, Thasildhar and Village Administrative Officer, was rejected.

3. Learned counsel for the petitioners submitted that the respondent/plaintiff has filed the suit for permanent injunction against the petitioners/defendants. In a suit for simple injunction, burden is on the respondent/plaintiff to prove that as on date of filing of the suit, he was in peaceful possession of schedule of property. After completion of both sides evidence, petitioners/defendants have filed petition to re-open, recall and permission to cross examine Advocate Commissioner. The trial Court has rightly dismissed the petition holding that as the main case is posted for arguments, the request of the petitioners for examining the Advocate Commissioner, Thasildhar and Village Administrative Officer cannot be considered. The petitioners/defendants have failed explain as to why they waited until the matter is posted for arguments to file the petition.



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4. Considering the circumstances, the trial Court has rightly dismissed the petition and therefore, there is no need to interfere with the impugned order passed by the trial Court. Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

20.06.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ms

To

The Additional District Munsif,
Tiruchengode.



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Dr.D. NAGARJUN, J.

ms

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