



C.R.P.No.2374, 2382 and 2384 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.No.2374, 2382 and 2384 of 2023

and

C.M.P.No.14841 of 2023

Sri Kannika Parameswari Amman Devasthanam,
At 55, Andal Street,
Shevapet, Salem – 636002
Represented by its Managing Trustee,
Sri N.K.Ramalingam.

.. Petitioner in all C.R.Ps

Versus

1. The Joint Commissioner,
H.R & C.E., at Kottai Mariamman Temple Compound,
Salem.
2. The Assistant Commissioner,
H.R & C.E., at Kottai Mariamman Temple Compound,
Salem.
3. The Executive Officer,
A/m. Siddheswaraswamy Temple,
Kanjamalai, Salem Taluk & District.
4. The State of Tamil Nadu,
Represented by the District Collector,
At District Collectorate, Salem.

.. Respondents in all C.R.Ps



C.R.P.No.2374, 2382 and 2384 of 2023

Common Prayer:- These Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 08.06.2023 in I.A.Nos.9, 10 and 11 of 2023 in O.S.No.542 of 2013 on the file of the II Additional Munsif Court, Salem.

For Petitioner
in all C.R.Ps : Mr.D.Shivakumaran

For Respondents
in all C.R.Ps : Mr. S.P.Karthik,
Government Advocate
(for R4)

COMMON ORDER

These Civil Revision Petitions are filed against the fair and decretal order dated 08.06.2023 passed in I.A.Nos.9, 10 and 11 of 2023 in O.S.No.542 of 2013 on the file of the II Additional Munsif Court, Salem, thereby dismissing the petitions to reopen, recall P.W.1 and seeking permission to receive additional documents in evidence.

2. In all the Civil Revision Petitions, the petitioner is the plaintiff and the respondents are the defendants in the suit filed by the petitioner in O.S.No.542 of 2013 on the file of the II Additional District Munsif



C.R.P.No.2374, 2382 and 2384 of 2023

Court, Salem, for declaration in respect of the suit property. The suit property is under the possession and enjoyment of the petitioner and in fact, there is a scheme decree in O.A.No.33 of 1966 on the file of the Deputy Commissioner, Hindu Religious and Charitable Endowments Department, Chennai. Further, the Village Munsif had issued a certificate dated 12.04.1968 to the effect that the suit property is in physical possession, enjoyment and usage of the petitioner for more than 145 years. The first respondent issued a notice under Section 78(2) of the Tamil Nadu Hindu Religious and Charitable Endowments, Act, 1959 as if the petitioner is an encroacher. In the above circumstances, the petitioner filed the said suit.

3. The learned counsel for the petitioner submitted that though the notice was given to the respondent/defendant to produce the documents, they have not produced documents and as such, it is necessary that the petitioner/plaintiff is permitted to produce the documents. Therefore, the the petitioner filed applications in I.A.Nos.9, 10 and 11 of 2023 in O.S.No.542 of 2013 on the file of the II Additional Munsif Court, Salem and the same was dismissed. Aggrieved by the same, the petitioner



C.R.P.No.2374, 2382 and 2384 of 2023

filed the present Civil Revision Petitions have been filed to set aside the order passed by the Court below.

4. The learned Government Advocate appearing for the fourth respondent submitted that no specific reason has been stated for the delay in production of the documents, though the suit has been pending for almost 10 years. He further submitted that the petitioner has already filed similar applications in I.A.Nos.1 and 4 of 2020 and the same were disposed of on 13.08.2020 and 16.10.2020. Thereafter, the petitioner filed applications in I.A.Nos.5 and 8 of 2021 and they were disposed of on 04.02.2021 and 27.09.2021. Hence, the learned Government Advocate appearing for the fourth respondent prayed to dismiss the Civil Revision Petitions.

5. Heard both sides and perused the materials available on record.

6. On a perusal of records, it is seen that while the suit is pending at the stage of arguments on 23.02.2021, the petitioner/plaintiff herein having filed similar set of applications in I.A.Nos.6,7 and 8 of 2021 to



C.R.P.No.2374, 2382 and 2384 of 2023

reopen the plaintiff's side evidence, recall P.W.1 and to receive the additional documents in evidence, the same were allowed by the trial Court on 27.09.2021. P.W.1 was examined on 20.10.2021 and thereafter another witness P.W.2 was examined on 02.12.2021 and after several hearings, the cross examination of P.W.2 was concluded on 21.09.2022. Hence, the suit was posted for further evidence on the plaintiff's side witness on various dates and finally on 20.01.2023, the petitioner was not ready to adduce further evidence and after a lapse of four months, the plaintiff side evidence was closed and the suit was posted for arguments on 27.01.2023. After several hearings the suit was posted for arguments, the petitioner filed the present applications in I.A.Nos.9, 10 and 11 of 2023 and the same have been dismissed by the Trial Court on 08.06.2023.

7. Considering the above facts and circumstances of the case and also fact that the suit has been pending for 10 years and now the trial has been reopened twice earlier and after being posted for arguments, this Court is not inclined to allow these Civil Revision Petitions and the trial Court has rightly dismissed the said applications and as such, there is no infirmity or irregularity in the impugned order passed by the trial Court.



C.R.P.No.2374, 2382 and 2384 of 2023

WEB COPY

8. Accordingly, these Civil Revision Petitions are dismissed.

Consequently, the connected Miscellaneous Petition is closed. No costs.

12.07.2023

kv

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

1. The II Additional Munsif Court, Salem.

2. The Section Officer,
V.R. Section,
High Court, Madras.



WEB COPY



C.R.P.No.2374, 2382 and 2384 of 2023

V.BHAVANI SUBBAROYAN,J.

Kv

C.R.P.No.2374, 2382 and 2384 of 2023

12.07.2023