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C.R.P.No.3765 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.3765 of 2023

and

C.M.P.No.23431 of 2023

Sanjay Gandhi

... Petitioner

-Vs-

1. Sakthi
2. Rajiv Gandhi
3. Shankar
4. Senivasan
5. Krishnamurthi
6. Gowrammal

... 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 09.01.2023 made in I.A.No.854 of 2022 in O.S. No.150 of 2017 on the file of the Subordinate Judge, Palacode and allow the above C.R.P.

For Petitioner

: Mr.V.R.Annagandhi



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4. The learned counsel for Revision Petitioner would submit that as a plaintiff, he filed a suit for declaration against defendants 1 to 6 in respect of suit property claiming that it is absolutely belong to him. In order to prove his title, he filed an application to call upon revenue officials. But, without considering his submissions, the trial judge dismissed the said application stating that he can get the certified copy of documents. Hence, he prayed to set aside the findings of trial judge.

5. Records perused. On perusal of records, it would reveals that the plaintiff filed a suit in O.S.No. 150 of 2017 against the defendants 1 to 6 in respect of suit property claiming that it is absolutely belong to him. The defendants also appeared and contested the suit. Now, the trial was also begun and on the side of plaintiff, he wanted to examine the revenue officials in order to prove his title and enjoyment of the property. Hence, he filed the said application in I.A.No.854 of 2022 to call upon revenue officials and to mark the documents, but the said application was dismissed by the trial judge stating that the plaintiff can get the certified copy, but even otherwise, the plaintiff is entitled to examine revenue officials to prove his title. To that effect, the said suit was filed. But the trial judge without considering his contentions, erroneously dismissed the



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application. Admittedly, on getting the certified copy of documents is totally different from marking the documents to prove the title. Therefore, the reasons assigned by the Revision Petitioner is justifiable one and the findings rendered by the trial judge is liable to be set aside. Accordingly, this Civil Revision Petition is allowed and the findings rendered by the trial judge in I.A.No.854 of 2022 in O.S.No.150 of 2017 is set aside and the said application is ordered to be allowed. The Revision Petitioner/plaintiff is directed to pay batta to the witnesses within a period of two weeks from the date of receipt of copy of this order. Thereafter, the trial judge is directed to proceed with the trial as per manner known to law. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

31.10.2023

Index : Yes/No
Speaking Order : Yes/No
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To

The Subordinate Judge, Palacode.



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T.V.THAMILSELVI, J.

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