



C.R.P.No.4227 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2023

WEB COPY

**CORAM
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**C.R.P. No.4227 of 2022
and C.M.P.No.22146 of 2022**

1. C.Annamalai
2. Palaniammal
3. A.Bakkiaraj
4. A.Rajagopal
5. Palaniammal
6. V.Ramar

.. Petitioners

Vs

1. Ayammal
2. Chinnaponnu

..Respondents

Prayer : Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the fair and final order dated 27.10.2022, made in I.A.No.1 of 2021 in O.S.No.382 of 2018 passed by the II Additional District Court, Salem.

For Petitioners : Mr.B.Jawahar

For Respondents : No representation

ORDER

This Civil revision petition has been filed by the petitioners, challenging the order passed by the II Additional District Court, Salem made in I.A.No.1 of 2021 in O.S.No.382 of 2018 dated 27.10.2022.

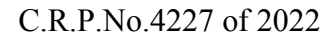


C.R.P.No.4227 of 2022

2. Originally the suit in O.S.No.382 of 2018 was filed by the respondents/plaintiffs on the file of the II Additional District Court, Salem, for the relief of partition and other consequential reliefs. The contention of the plaintiffs is that the suit properties are the self acquired properties of their father viz., Chinna Gounder but the defendants/revisions petitioners denied the plaintiffs rights in order to prove their defence. When the matter was posted for defendants side evidence, the petitioners/defendants filed I.A.No.1 of 2021 to issue summons to Tahsildar, Omalur to Produce the revenue records such as UDR 'A' register, FMB, computer pattas and adangal for all the sub divisions of survey numbers 228/4, 188/8, 210/2, 211/11, 211/19, 250/7, 211/15, 250/9 of Pappampadi Village and the said application was dismissed by the trial Judge stating that it caused unnecessary hindrance to the Government officials.

3. Challenging the said order, the defendants have filed this Civil Revision Petition before this Court.

4. The learned counsel for the revision petitioners submitted that in order to prove their defence, they have prayed to issue summons to the Tahsildar for the production of revenue records. At that time, the trial Court



5. Despite serving the notice, there is no representation for the respondents.

6. Admittedly, the suit was posted for defendants evidence. The case of the defendants is that the plaintiffs are not owner of the property and denied to prove their defence, the defendants wanted to produce the revenue records relating to the above survey numbers. Hence, the defendants prayed to issue summons to the Tahsildar to produce the revenue records and other registers, etc and all these documents are under the custody of the said Tahsildar. Hence, the defendants also entitled to issue summons but the trial Judge dismissed the same. If sufficient opportunity was not given to the defendants by the trial court, hence, the defendants' defence is defeated. Therefore, the order passed by the II Additional District Court, Salem in I.A.No.1 of 2021 is hereby set aside.

7. Accordingly, this Civil Revision Petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.



WEB COPY



C.R.P.No.4227 of 2022

T.V.THAMILSELVI, J.

msrm

8. The trial Court is directed to dispose of the suit in O.S.No.382 of 2018 within a period of six months from the date of receipt of a copy of this order.

13.03.2023

Internet : Yes/No

Index : Yes/No

msrm

To

The II Additional District Court, Salem.

C.R.P. No.4227 of 2022
and C.M.P.No.22146 of 2022