



CRP(PD)(MD)No.121 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.121 of 2023

and

CMP(MD)No.595 of 2023

Sankarraaj

... Petitioner

versus

1. Sundarraaj

2. The District Collector,
Virudhunagar District.

3. The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.

4. The Thasildar,
Aruppukottai,
Virudhunagar District.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 17.11.2022 made in I.A.No.7 of 2022 in O.S.No.256 of 2014 on the file of the learned



CRP(PD)(MD)No.121 of 2023

Principal District Munsif, Aruppukottai.

For Petitioner : Mr.P.Santhosh Kumar

For R1 : Mr.S.Mahesh Babu

ORDER

This Civil Revision Petition is filed as against the fair and decreetal order dated 17.11.2022 passed in I.A.No.7 of 2022 in O.S.No. 256 of 2014 by the learned Principal District Munsif, Aruppukottai.

2. The petitioner is the first defendant in O.S.No.256 of 2014, which is pending on the file of the learned Principal District Munsif, Aruppukottai. He filed an interlocutory application in I.A.No.7 of 2022 in O.S.No.256 of 2014 to recall P.W.1 for the purpose of marking an additional document, which he said to have obtained under the Right to Information Act. The said application was dismissed by the trial Court by its fair and decreetal order dated 17.11.2022. Aggrieved over that, the present Civil Revision Petition is filed.



CRP(PD)(MD)No.121 of 2023

WEB COPY

3. The learned counsel appearing for the petitioner submits that though the suit was filed in the year 2014, he obtained a document under the Right to Information Act from the Revenue Officials recently and therefore, the said document has to be marked necessarily through P.W.1.

4. Mr.S.Mahesh Babu, learned counsel, who takes notice for the first respondent, submits that the suit in O.S.No.256 of 2014 has been filed by the first respondent/plaintiff for bare injunction and it is now at the stage of arguments. He further submits that the document, said to have been obtained by the petitioner under the Right to Information Act, need not be marked through P.W.1(plaintiff) and it can be marked through the petitioner/first defendant, for which, he is not having any objection.



CRP(PD)(MD)No.121 of 2023

5. This Court considered the rival submissions made and perused the materials available on record.

6. The petitioner claims that he has obtained a document under Right to Information Act from the Revenue Officials, which are necessary for just adjudication of the suit proceedings. Therefore, he filed the above interlocutory application in I.A.No.7 of 2022 to recall P.W.1 and mark the document through P.W.1.

7. It is not necessary that the petitioner has to mark the document through P.W.1 and he can mark the document through himself.

8. Since the suit is at the stage of arguments, the trial Court, namely, Principal District Munsif, Aruppukottai, shall recall the evidence of first defendant and allow him to mark the relevant document. The first respondent/plaintiff shall cross examine the first defendant on the same day. The Trial Court shall endeavour to



CRP(PD)(MD)No.121 of 2023

conclude the suit proceedings in O.S.No.256 of 2014, within a period of two months from the date of receipt of a copy of this order.

8. Accordingly, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

24.01.2023

ogy
NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.

To

1. The learned Principal District Munsif,
Aruppukottai.
2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRP(PD)(MD)No.121 of 2023

B.PUGALENDHI, J.

ogy

CRP(PD)(MD)No.121 of 2023

24.01.2023