



C.R.P.(MD) No.1184 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.(MD) No.1184 of 2023

and

C.M.P.(MD) No.5731 of 2023

1.Praveen Kumar
Inspector,
Hindu Religious and Charitable
Endowment Department,
Nilakottai, Nilakottai Taluk,
Dindigul District.

2.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Dindigul District.

3.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Dindigul District.

... Petitioners

Vs.

Late Pandi (Died)

1.Thilagam

2.Rahul

3.Kanimozhi

4.Shanmuga Sundarai

... Respondents



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Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records relating to the impugned fair and decretal order dated 08.02.2023 in I.A.No.06 of 2022 in O.S.No.12 of 2016 on the file of the District Munsif Court, Nilakkottai, set aside the same and allow the Civil Revision Petition.

For Petitioners : Mr.M.Senthi Ayyanar
Government Advocate

ORDER

The petitioners are aggrieved by the impugned fair and decretal order dated 08.02.2023 passed by the District Munsif Court, Nilakkottai in I.A.No.06 of 2022 in O.S.No.12 of 2016.

2. The aforesaid I.A.No.06 of 2022 was filed by the first petitioner as a third party to introduce additional documents under Order VIII Rule 3A of Code of Civil Procedure, 1908. The Trial Court has dismissed the said I.A. with the following observations:-

The contention of the petitioner's side is that he is the witness of the 2nd defendant, that the documents annexed with the petition were misplaced by the petitioner in his office, that some of the documents were obtained from his superior only now, that the



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said document could not be filed on time and that so said documents are to be received, by condoning the delay in filing the same.

On perusal of records, it is found that the petitioner is not a party to the suit and therefore he does not have locus to file this petition. Therefore this court is not inclined to go into the merits of the petition. The petition itself is not prima facie maintainable.

In the result, this petition is dismissed. No costs.

3. A reading of the impugned order makes it clear that there is no scope for interference with the impugned fair and decretal order, under Article 227 of the Constitution of India as admittedly the petitioner is not a party to the above proceedings in O.S.No.12 of 2016.

3. Suffice to state that the additional documents which was sought to be introduced by the first petitioner *vide* I.A.No.06 of 2022 which was rejected by the impugned fair and decretal order can be filed by the second and third petitioners who are the second and third defendants in the above O.S.No.12 of 2016.



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C.SARAVANAN, J.

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4. Accordingly, this Civil Revision Petition stands disposed with the above liberty. No costs. Consequently, connected Miscellaneous Petition is closed.

02.06.2023

Internet: Yes/No

Index: Yes/ No

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To

The District Munsif Court, Nilakkottai

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