



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2023

CORAM

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**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.1709 of 2023

and

C.M.P(MD)No.8537 of 2023

1.Abdulkuthoos

K.M.Shahul Hameed(Died)

2.K.M.Mohamed Abdulla

3.K.M.Abdul Raheem

4.M.Abdul Kareem

5.Hanisha Begum

6.Nazeera Banu

7.Birthouse

8.Umma Salmma

9.Bilalal Mohammed

10.Mohammed Hasin

11.Vahitha

12.Shahitha

13.Badhurunisa

14.Thamimunisa

15.Kirunisa

16.Mohammed Abdul Rawoof

17.Mohammed Abdul Rasheed

18.Noorunisa

19.Arifa Banu

20.K.M.A.Abdul Basith

21.K.M.A.Mohammed Abdul Kader

22.Rizwana Begum

23.Ayeesa Ammal

24.Jeenathul Jagira

25.S.Abdul Malik



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26.S.Mohamed Thajuthen
27.A.Moideen Abdul Kader
28.Syed Mohamed Sahfeeq
29.Afra Manahil Fathim

... Revision Petitioners/Petitioners/
Plaintiffs

Vs.

- 1.The District Collector,
Pudukottai.
- 2.The District Revenue Officer,
Pudukkottai.
- 3.The Revenue Divisional Officer,
Illupur,
Pudukkottai.
- 4.The Tahsildar
Kulathur
Pudukkottai.

...Respondents/Respondents
/Defendants

Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to set aside the fair and decreetal order dated 16.06.2023 in I.A.No.2 of 2023 in O.S.No.111 of 2016 on the file of the learned District Munsif, Keeranur.

For Petitioners
For Respondents

:Mr.P.Ganapathi Subramanian
:Mr.G.Surya Ganth,
Additional Government Pleader

ORDER

The Civil Revision Petition is preferred as against the fair and decreetal order, dated 16.06.2023 passed in I.A.No.2 of 2023 in O.S.No.111 of 2016 on the file of the learned District Munsif, Keeranur.



2.The petitioners as plaintiffs filed the suit in O.S.No.111 of 2016 for declaration and consequential relief of injunction, before the District Munsif Court, Keeranur. When the suit was posted for arguments, the petitioners filed an application in I.A.No.2 of 2023, to reopen the petitioners' side evidence for marking of certain documents pertaining to the events taken place subsequent to the filing of the suit. The same was resisted by the respondents/defendants stating that the suit was filed in the year 2016 and thereafter, the petitioners filed many interlocutory applications and not pressed the said applications would show the attitude of the petitioners that they have no case and their attempt is only to drag on the proceedings. The said I.A was filed belatedly at the stage, when the suit was posted for arguments.

3.However, considering the averments made in the petition and in the counter affidavit and the arguments advanced by the respective counsel, the Court below dismissed the above application. Aggrieved by which, the present civil revision petition is preferred by the petitioners/plaintiffs.

4.The learned counsel appearing for the revision petitioners would submit that the defendants are not seriously disputing the title of the plaintiffs and in fact, the Tahsildar, Kulathur by his proceedings dated



21.11.2022 in Na.Ka.A3/8836/2022, directed the Taluk Surveyor to measure the property in order to assign patta to the inhabitants of the area. In pursuant to the order of the Tahsildar, Kulathur, the Revenue Officials conducted an enquiry. The revision petitioners came to know about the fact that the adjacent land owners in the same S.No.194, the classification is mentioned as “Natham”. Therefore, the revision petitioners can establish their case by producing the sale certificate, dated 08.01.1921 issued by the Tahsildar in favour of one Abdul Kani and Company.

5.Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents and perused the records available on record.

6.The petitioner has filed a report submitted by the concerned Tahsildar, Kulathur, with regard to the survey conducted in S.No.194. It is seen that the intention of the petitioners herein is only to put forth the events that had taken place subsequent to the filing of the suit, which would support their case. Therefore, no prejudice would be caused to the respondents in allowing the application to reopen the petitioners' side evidence and to mark the relevant documents. Even otherwise, the respondents are at liberty to cross-examine the witnesses with regard to the



oral and documentary evidence let-in by the petitioners in this regard.

Therefore, the order dated 16.06.2023 passed by the learned District Munsif, Keeranur, in I.A.No.2 of 2023 is set aside and the civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

19.07.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

To

- 1.The Subordinate Court,
Ambasamudram.
- 2.The District Collector,
Pudukottai.
- 3.The District Revenue Officer,
Pudukkottai.
- 4.The Revenue Divisional Officer,
Illupur,
Pudukkottai.
- 5.The Tahsildar
Kulathur
Pudukkottai.
- 6.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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K.GOVINDARAJAN THILAKAVADI, J.

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