



C.R.P.(MD)No.2563 of 2023

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DATED: 10.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2563 of 2023

and

C.M.P.(MD)No.13250 of 2023

Madasamy
(representative of Devendra Kula Velalar
Community)

... Petitioner/
Petitioner/
Plaintiff

Vs.

1. President
Athikulam Village
Hindu Nadar Uravinmurai Samoogam,
Athikulam Village,
Srivilliputhur Taluk,
Virudhunagar District.
2. Secretary
Athikulam Village
Hindu Nadar Uravinmurai Samoogam,
Athikulam Village,
Srivilliputhur Taluk,
Virudhunagar District.
3. The District Collector,
Virudhunagar.



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4. The Tahsildar,
Srivilliputhur.

... Respondents/
Respondents/
Defendants

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order made in I.A.No.05 of 2022 in O.S.No.271 of 2011 by the District Munsif Court cum Judicial Magistrate No.I, Srivilliputhur dated 21.03.2023.

For Petitioner : Mr.C.Mayilvahana Rajendran

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.5 of 2022 in O.S.No.271 of 2011 dated 21.03.2023 on the file of the District Munsif cum Judicial Magistrate No.I, Srivilliputhur, dismissing the petition filed under Rule 75 of Civil Rules of Practice.

2. The revision petitioner/plaintiff has filed a suit in O.S.No.271 of 2011 to declare that the suit property belongs to the revision petitioner/plaintiff and for consequential permanent injunction restraining the respondents/defendants from putting up any fencing or compound wall or from interfering with the peaceful possession of the suit property and that



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when the suit was posted for arguments, the present application came to be filed by the revision petitioner/plaintiff.

3. It is seen from the records that the documents sought for, i.e., the proceedings dated 07.06.2013 and 15.05.2010 were already produced and came to be exhibited under Ex.P.12 and Ex.P.13. Now, the revision petitioner/plaintiff through the above application, sought a direction to the third respondent/third defendant, to produce the file relating to the above two proceedings.

4. The learned trial Judge, by observing that the revision petitioner/plaintiff has not specifically mentioned the documents sought for and that the above documents are not necessary as Ex.P.12 and Ex.P.13 were already exhibited, has dismissed the petition.

5. Considering the fact that the above application came to be filed, when the suit was posted for arguments and that too after 12 years and taking note of the observations made by the learned trial Judge, this Court is not inclined to interfere with the order passed by the learned trial Judge



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in I.A.No.5 of 2022 in O.S.No.271 of 2011 dated 21.03.2023. Hence, this Court concludes that the revision is devoid of merits and the same is liable to be dismissed.

6. In the result, this Civil Revision Petition is dismissed. However, the learned trial Judge is directed to hear the arguments in O.S.No.271 of 2011 and dispose of the same within a period of one month from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

10.10.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The District Munsif cum Judicial Magistrate No.I,
Srivilliputhur.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
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