



C.R.P.(MD)No.2616 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2616 of 2023
and
C.M.P.(MD)No.13656 of 2023

CMS Evangelical Church,
through Administrator
P.Christopher Ponraj

... Petitioner/Petitioner
Plaintiff

Vs.

Kamaraj

... Respondent/Respondent
Defendant

Prayer : This Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order, dated 04.09.2023 passed in I.A.No.6 of 2023 in O.S.No.107 of 2019 on the file of the District Munsif Court, Nanguneri.

For Petitioner : Mr.R.Mohana Sundaram

For Respondent : Mr.M.Maharaja

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.6 of 2023 in O.S.No.107 of 2019, dated 04.09.2023 on the file of



C.R.P.(MD)No.2616 of 2023

the District Munsif Court, Nanguneri, dismissing the petition filed under Order 26 Rule 9 C.P.C.

2. The petitioner has filed the suit in O.S.No.107 of 2019, claiming permanent injunction restraining the defendants therein from in any manner interfering with the constructions to be made in the suit property, alleging that the suit property is situated in S.No.382/12 of Singikulam Village. The respondent has taken a defence that the property in S.No.382/12, which is classified as natham survey and it is falls to say that the S.No.382/12 is Government Land.

3. It is not in dispute that after closure of plaintiff side evidence, the respondent has closed his side evidence and at that time, the above petition came to be filed.

4.The main contention of the petitioner is that the Commissioner petition has been filed to identify the property.

5. It is not for the plaintiff to prove the case of the defence. Moreover, as rightly pointed out by the learned counsel for the respondent,



C.R.P.(MD)No.2616 of 2023

WEB COPY

D.W.5/Government Official has given evidence that the suit property in S.No.382/12 is a Government puramboke and that another Official of Singikulam Panchayat has given evidence that the petitioner has not even obtained any permission for the alleged constructions.

6. Considering the above, as rightly contended by the learned counsel for the respondent, the above petition came to be filed at the fag end of trial, only to protract the matter further. Hence, this Court is not inclined to interfere with the order passed by the learned trial Judge and hence, this Court concludes that the Civil Revision Petition is devoid of merits and the same is liable to be dismissed.

7. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

12.10.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
das



WEB COPY



C.R.P.(MD)No.2616 of 2023

K.MURALI SHANKAR,J.

das

To

- 1.The District Munsif Court,
Nanguneri.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
C.R.P.(MD)No.2616 of 2023
and
C.M.P.(MD)No.13656 of 2023

Dated : 12.10.2023