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CRP No.205 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRP No.205 of 2024

Santhamani

... Petitioners

Vs.

1.Ayyammal
2.E.Muthammal
3.L.Parvathi
4.N.Manian
5.S.Valliammal

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order in IA No.10 of 202 in O.S.No.396/2018 dated 04.12.2023 on the file of the learned I Additional District and Sessions Judge, Tiruppur.

For Petitioner	: Mr.J.Antony Jesus
For Respondents	: Mr.J.Franklin for Caveator fourth respondent



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ORDER

The civil revision petition is filed to set aside the fair and decreetal order in IA No.10 of 202 in O.S.No.396 of 2018 dated 04.12.2023 on the file of the Learned I Additional District and Sessions Judge, Tiruppur.

2. The petitioner is the sixth defendant and first respondent is the plaintiff and the remaining respondents are defendants in OS No.396 of 2018 on the file of the I Additional District and Sessions Judge, Tiruppur. The first respondent/plaintiff has filed the suit seeking partition and declaration. Pending trial, the sixth defendant/petitioner herein has filed IA No.10 of 2023 seeking for summoning the Tahsildar, North Tiruppur, Zonal Head, Zonal Office, Nallur and Assistant Engineer of TNEB to give evidence and to produce the documents relating to Adangal for the period from 1990 to 2010 for the property having an extent of 0.74 Acres in S.No.126/2B in Veerapandi Village. The Trial Court, by order dated 04.12.2023, had dismissed the said application on the ground that the petitioner has not stated the relevancy of those documents to decide the dispute involved in the



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suit and summoning official witnesses to produce documents relating to several years is not proper. Challenging the said order, the petitioner has filed the present civil revision petition.

3. Learned counsel for the petitioner contended that it is necessary to establish the case of the petitioner and therefore, the revision has to be allowed.

4. Learned counsel appearing for the respondent supported the impugned order and submits that there is no merit in the revision and hence seeking to dismiss the Revision.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. On a perusal of the affidavit filed by the petitioner in IA.No.10 of



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2023, it is seen that there is no reason stated by the petitioner as to how these witnesses and documents are relevant to adjudicate the case before the Court and why the petitioner want to examine the Tahsildar, North Tiruppur, Zonal Head, Zonal Office, Nallur and Assistant Engineer of TNEB. In paragraph No.3 of the affidavit, the petitioner has stated that unless the said officials are examined, he will be prejudiced. Apart from this, neither in the affidavit nor in the petition, the petitioner has stated as to what are the documents required to be produced. Under these circumstances, the Trial Court had dismissed the application on the ground that the petitioner has not stated the relevancy of those documents to decide the dispute involved in the suit and summoning official witnesses are unwarranted. Therefore, there is no infirmity in the impugned order. There is no ground to interfere. There is no merit in the revision. The Trial Court is directed to dispose of the suit in OS No.396 of 2018, as early as possible.

7. In fine, the civil revision petition is allowed. There shall be no



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order as to costs. Consequently, CMP No.962 of 2024 is closed.

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To
The I Additional District and Sessions Judge, Tiruppur.



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V.SIVAGNANAM, J.

(mrn)

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