



CRP.Nos.2803 & 2812 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRP.Nos.2803 & 2812 of 2023

and

CMP.Nos.17302 of 2023

Rajendran	...	Petitioner in both CRPs.
	/vs/	
Palanivel	...	Respondent in both CRPs.

COMMON PRAYER : These civil revision petitions have been filed under Article 227 of the Constitution of India to set aside the fair and decreetal order passed in I.A.Nos.2 & 3 of 2023 in O.S.No.332 of 2019 on the file of the District Munsif cum Judicial Magistrate, Sendurai dated 10.07.2023.

For Petitioner ... Mr.S.Kamadevan
in both CRPs.

For Respondent ... Mr.R.Venkatesalu
in both CRPs.

COMMON ORDER



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These civil revision petitions have been filed to set aside the fair and decreetal order dated 10.07.2023 passed in I.A.Nos.2 & 3 of 2023 in O.S.No.332 of 2019 on the file of the District Munsif cum Judicial Magistrate, Sendurai.

2.The learned counsel appearing for the petitioner submitted that the revision petitioner is the defendant and the respondent is the plaintiff in O.S.No.332 of 2019 filed against the petitioner with the following prayer;

(a).declaring the right and title of the plaintiff over the suit C schedule properties, consequentially pass a permanent injunction restraining the defendant, their men, servants, agents, in any manner interfering with the plaintiff's peaceful possession and enjoyment of the suit C schedule properties,

(b).To award as compensation of Rs.40,000/- from the defendant for the damages of the standing cashew trees and other reliefs.

At the stage of continuation of petitioner/defendant's side argument, the respondent/plaintiff filed application to reopen and recall the



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petitioner/defendant in O.S.No.332 of 2019 and to mark the deposition of the petitioner/defendant and to cross examine.

3.The learned counsel for the petitioner further submitted that the respondent/plaintiff filed the suit in O.S.No.332 of 2019 with regard to “ C ” schedule property for the prayer for declaration of title over the property. The suit in O.S.No.232 of 2019 is pertaining to the property in S.F.No.377 /9A and not connected with the plaint schedule property in O.S.No.332 of 2019. Under these circumstances, allowing the applications filed by the respondent/plaintiff in I.A.Nos. 2 & 3 of 2023 are unsustainable and thus pleaded to allow the civil revision petitions.

4.The learned counsel appearing for the respondent/plaintiff submitted that the learned judge had not permitted to mark the deposition of the petitioner/plaintiff as PW1 in O.S.No.232 of 2019 only permitted to limited purpose of cross examination. Therefore, no prejudice would be caused to the petitioner/defendant and there is no ground to interfere with the impugned order and thus pleaded to dismiss the civil revision petition.



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5.I have gone through the materials available on record, it is noticed that the petitioner is the defendant and the respondent is the plaintiff in O.S.No.332 of 2019 filed with the following prayer; (a).declaring the right and title of the plaintiff over the suit C schedule properties, consequentially pass a permanent injunction restraining the defendant, their men, servants, agents, in any manner interfering with the plaintiff's peaceful possession and enjoyment of the suit C schedule properties, (b).To award as compensation of Rs.40,000/- from the defendant for the damages of the standing cashew trees and other reliefs. With regard to 'C' schedule property in O.S.No.332 of 2019, the respondent/plaintiff filed the suit and with regard to the property in survey S.F.No.377/9A out of 0.12.5 Ares in O.S.No.232 of 2019, the petitioner/defendant filed the suit. The above two suit properties are unconnected to each other. Therefore, the trial Court rightly rejected the prayer for marking the petitioner/defendant's evidence in O.S.No.332 of 2019 and permitted to limited purpose of cross examination alone. Under these circumstances, I find no infirmity in the order passed by the trial Court and there is no ground to interfere with the same and I



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find no merit in the civil revision petition.

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In view of the above, the civil revision petitions are dismissed with the direction to the trial Court to dispose the suits within one month from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
sms

28.02.2024

To

The District Munsif cum Judicial Magistrate,
Sendurai.

V.SIVAGNANAM ,J.



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