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C.R.P.(P.D).Nos.513 & 525 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

CORAM

THE HON'BLE Mr. JUSTICE V. SIVAGNANAM

**C.R.P.(PD) Nos.513 & 525 of 2024
and
CMP No.2417 of 2024**

G. Shanmugam (died)
G. Umapathy (died)
1. G.Anjalakshi
2. Anjalakshi
3. Saravanan
4. Sivabhakyavathi
5. Ramalinga
6. S.Vasantha
7. P. Tamilselvi
8. S. Jayakumar
9. S.Vijayalakshmi
10. S.Jayachandran

...Petitioners
in both CRPs

Vs

1. Sundarajan
2. Balakrishnan
3. The Tahsildar,
Taluk Office Chengalpattu
4. The District Collector,
Chengalpattu.
5. K. Venkatesan
6. Govindammal
7. Sasikala
8 Janakiraman

...
Respondents



C.R.P.(P.D).Nos.513 & 525 of 2024

in both CRPs

Prayer in CRP.No.513 of 2024 :- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 21.09.2023 made in I.A.No.4 of 2023 in O.S.No.104 of 2007 on the file of the District Munsif Court, Chengalpattu.

Prayer in CRP.No.525 of 2024 :- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 21.09.2023 made in I.A.No.5 of 2023 in O.S.No.104 of 2007 on the file of the District Munsif Court, Chengalpattu.

For Petitioners : Mr.J.Aravind
in both CRPs

COMMON ORDER

These Civil Revision Petitions are filed against the fair and decretal order dated 21.09.2023 made in I.A.Nos. 4 & 5 of 2023 in O.S.No.104 of 2007 on the file of the District Munsif Court, Chengalpet, thereby dismissing the petitions to reopen the suit for issuing summons to the 3rd respondent Tahsildar, Chengalpattu to let in evidence before the Court below by producing the records.



2. The petitioners are the plaintiffs and the respondents are the defendants. After completion of trial and at the time of arguments the petitioners/plaintiffs have filed petitions to issue summon to the 3rd respondent Tahsildar, Chengalpattu to depose before the Court below in respect of in respect of Taluk 8A proceedings pertaining to patta No.393 in the name of 1st defendant in punja S.No.165/2C to an extent of 0.12 cents. The Court below rightly dismissed the petitions for the reason that permitting the petitioners to summon the 3rd respondent to produce the records relating to patta granted in the name of the 1st defendant was based on settlement deed dated 28.07.2004 whereas, burden is on the shoulder of the plaintiffs/petitioners to prove their case.

3. The learned counsel appearing for the petitioners submitted that proceedings for change of patta is vital to decide the issue hence seeking to allow these revision petitions.

4. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

5. It is not disputed that the petitioners/plaintiffs filed the suit in



O.S.No.104 of 2017 with a prayer seeking to declare the settlement deed executed by the 2nd respondent in favour of the 1st respondent dated 28.07.2004 and registered as Document No.4308 of 2004 and the Patta No.393 granted by the 3rd respondent in favour of the 1st respondent as null and void. It is also not disputed that the patta has been changed in consequence of the settlement executed by the 2nd respondent in favour of the 1st respondent. Therefore, the plaintiffs/petitioners sought change of name in the patta in favour of the 1st respondent by the 3rd respondent as null and void. Under these circumstances, the main prayer is set aside that is to declare the settlement deed executed by the 2nd respondent in favour of the 1st respondent as null and void. Change of name in the patta is consequent to the settlement deed. If the plaintiffs/petitioners succeeded, automatically the name of patta will be changed and the patta would stand in the name of the person who is having the title. Therefore, for that purpose 3rd respondent/ Tahsildhar, Taluk Office Chengalpattu need not be summoned and produce the proceedings with regard to the change of patta. Hence, the trial Court has rightly dismissed those applications.



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6. In view of the above, this Court finds no infirmity or illegality in the order passed by the Court below. Accordingly, these Civil Revision Petitions stand dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

20.02.2024

dpq
Index:Yes/No
Internet:Yes/No
Speaking Order: Yes/No

To

The District Munsif Court,
Chengalpattu.



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V. SIVAGNANAM, J.

dpq

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