



CRP No.328 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

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A.Rajesh

... Petitioner

Vs.

1.Malathi
2.Saranya
3.Sowmiya
4.Kalpana

5.The District Collector,
Erode.

6.Revenue Thasildhar,
Gopi.

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and final order dated 07.09.2023 in I.A.No.6 of 2023 in OS No.244 of 2014 on the file of the District Munsif Court, Gobichettipalayam.

For Petitioner

: Mr.R.Poornima

For Respondents

:Mr.C.Satish,



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Government Advocate
for fifth and sixth respondents

ORDER

The civil revision petition is filed against the fair and final order dated 07.09.2023 in I.A.No.6 of 2023 in OS No.244 of 2014 on the file of the District Munsif Court, Gobichettipalayam.

2. The revision petitioner is the first defendant and the respondents 1 to 4 are the plaintiffs in OS No.244 of 2014 on the file of the District Munsif Court, Gobichettipalayam. The respondents 1 to 4/plaintiffs have filed the suit for declaration against the petitioner/first defendant and two others. After examination of the plaintiffs, the respondents/plaintiffs had filed an application in IA No.6 of 2023 to recall PW1 and to clarify the typographical error in the deposition and also to clarify the evidence. The trial court, by order dated 07.09.2023, had allowed the application. Challenging the said order, the petitioner/first defendant has filed the present civil revision petition.



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3. Learned counsel for the petitioner/first defendant submits that only to fill up the lacuna, the respondents 1 to 4/plaintiffs have filed the said application, and the same was erroneously allowed, which is unsustainable and hence seeking to set aside the order passed by the trial court and allow the Revision.

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

5. The revision petitioner is the first defendant and the respondents 1 to 4 are the plaintiffs in OS No.244 of 2014 on the file of the District Munsif Court, Gopichettipalayam. The respondents 1 to 4/plaintiffs have filed the suit for declaration against the petitioner/first defendant and two others. Further, on a perusal of the impugned order as well as records, it is noticed that after the examination of PW1, the respondents 1 to 4/plaintiffs had filed an application in IA No.6 of 2023 to recall PW1 and to clarify the evidence



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which is typed wrongly and they also want to clarify their case. In order to give a change, the learned Judge allowed the application and recalled PW1 to let evidence. The suit filed by the plaintiffs for declaration to declare the plaintiffs as the legal heirs of the deceased Arumugam and to issue legal heir certificate. Therefore, in order to clarify that they are the legal heirs of the deceased Arumugam, she has to be permitted to recall and let evidence. Therefore, I find no infirmity in the impugned order passed by the trial court. There is no grounds to interfere with the impugned order. There is no merit in the Revision. Hence, the civil revision petition is dismissed. The District Munsif Court, Gobichettipalayam, is directed to dispose OS No.244 of 2014, within a period of four months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, CMP No.1530 of 2024 is closed.

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Index: Yes/No
Internet: Yes/No
mrn

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To

- 1.The District Munsif Court, Gopichettipalayam.
- 2.The District Collector,
Erode.
- 3.The Revenue Thasildhar,
Gopi



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V.SIVAGNANAM, J.

(mrn)

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