



C.R.P.(MD)Nos.1293 to 1295 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 12/03/2024

CORAM

The Hon'ble Mr.Justice **G.ILANGO VAN**

C.R.P (MD) Nos.1293 to 1295 of 2023

and

CMP (MD) Nos.6369 of 2023

(1) CRP (MD) No.1293 of 2023:-

Maruthaiappa Gounder (died)

1.Nallasamy
2.Chellappan
3.Rajalakshmi
4.Sangeetha
5.Subramani
6.Maruthamuthu
7.Thangavel
8.Kaliammal
9.Chellammal, w/o.Paravel
10.Chellammal, w/o.Ramasamy Gounder
11.Saraswathi : Petitioners/Petitioners
2 to 5 & 7 to 13/
Plaintiffs 2 to 5 & 7 to 13

Vs.

P.Ayyavu (died)

1.Ramakrishnan

Rajammal (died)

2.V.Vasu

3.A.Sumathi

4.A.Samikkannu

P.Thilagarsamy Nadar (died)

5.R.Backiam

6.B.Kundumalai

7.V.Sankar

8.The District Collector,
Velu Natchiyar Buildings,
Dindigul District Collector Office,
Dindigul.



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9. The Tahsildar,
Oddanchathiram Taluk Office,
Oddanchathiram,
Dindigul District.

10. A. Pannerselvam
11. A. Kamaraj
12. A. Naatraj @ Naatrayan
13. A. Jeyaram
14. Selvi
15. Elanchiyam

P. Vasu (died)

16. P. Vasuki
17. P. Panchavarnam, W/o. Late P. Vasu
18. Sermailatha
19. Nageswari
20. Senthilkumar
21. Karthiyayini
22. T. Murugesan
23. Panchavarnam, W/o. Gnanam
24. T. Nagendiran

: Respondents 1 to 24/
Respondents 1 to 24/
Defendants
: 25th Respondent/
6th Petitioner/
6th Plaintiff

25. Karthika

(Since respondents 1 to 17, 19,
22 and 24 were remained *ex-parte*
are given up)

PRAYER:-Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 21/04/2023 made in IA No.176 of 2023 in OS No.101 of 2009 on the file of the District Munsif Court, Oddanchathiram.

For Petitioners : Mr.G.Sridharan

For R1 to R9,
R11 to R17, R19,
R22 and R24 : Given up

R10 and R16 : Mr.R.Suriya Narayanan



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(2) CRP (MD) No.1294 of 2023:-

Maruthaiappa Gounder (died)

- 1.Nallasamy
 - 2.Chellappan
 - 3.Rajalakshmi
 - 4.Sangeetha
 - 5.Subramani
 - 6.Maruthamuthu
 - 7.Thangavel
 - 8.Kaliammal
 - 9.Chellammal, w/o.Paravel
 - 10.Chellammal, w/o.Ramasamy Gounder
 - 11.Saraswathi
- : Petitioners/Petitioners
2 to 5 & 7 to 13/
Plaintiffs 2 to 5 & 7 to 13

Vs.

P.Ayyavu (died)

- 1.Ramakrishnan

Rajammal (died)

- 2.V.Vasu
- 3.A.Sumathi
- 4.A.Samikkannu

P.Thilagarsamy Nadar (died)

- 5.R.Backiam
- 6.B.Kundumalai
- 7.V.Sankar

8.The District Collector,
Velu Natchiyar Buildings,
Dindigul District Collector Office,
Dindigul.

9.The Tahsildar,
Oddanchathiram Taluk Office,
Oddanchathiram,
Dindigul District.

- 10.A.Pannerselvam
- 11.A.Kamaraj
- 12.A.Naatraj @ Naatrayan
- 13.A.Jeyaram
- 14.Selvi
- 15.Elanchiyam

P.Vasu (died)



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16.P.Vasuki
17.P.Panchavarnam, W/o.Late P.Vasu
18.Sermailatha
19.Nageswari
20.Senthilkumar
21.Karthiyayini
22.T.Murugesan
23.Panchavarnam, W/o.Gnanam
24.T.Nagendiran : Respondents 1 to 24/
Respondents 1 to 24/
Defendants
25.Karthika : 25th Respondent/
6th Petitioner/
6th Plaintiff
(Since respondents 1 to 17, 19,
22 and 24 were remained *ex-parte*
are given up)

PRAYER:-Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 21/04/2023 made in IA No.177 of 2023 in OS No.101 of 2009 on the file of the District Munsif Court, Oddanchathiram.

For Petitioner : Mr.G.Sridharan

For R1 to R9,
R11 to R17, R19,
R22 and R24 : Given up

R10 and R16 : Mr.R.Suriya Narayanan

(3)CRP (MD)No.1295 of 2023:-

Maruthaiappa Gounder (died)

1.Nallasamy
2.Chellappan
3.Rajalakshmi
4.Sangeetha
5.Subramani
6.Maruthamuthu
7.Thangavel
8.Kaliammal
9.Chellammal, w/o.Paravel



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10.Chellammal, w/o.Ramasamy Gounder
11.Saraswathi : Petitioners/Petitioners
2 to 5 & 7 to 13/
Plaintiffs 2 to 5 & 7 to 13

Vs.

P.Ayyavu (died)

1.Ramakrishnan

Rajammal (died)

2.V.Vasu

3.A.Sumathi

4.A.Samikkannu

P.Thilagarsamy Nadar (died)

5.R.Backiam

6.B.Kundumalai

7.V.Sankar

8.The District Collector,
Velu Natchiyar Buildings,
Dindigul District Collector Office,
Dindigul.

9.The Tahsildar,
Oddanchathiram Taluk Office,
Oddanchathiram,
Dindigul District.

10.A.Pannerselvam

11.A.Kamaraj

12.A.Naatraj @ Naatrayan

13.A.Jeyaram

14.Selvi

15.Elanchiyam

P.Vasu (died)

16.P.Vasuki

17.P.Panchavarnam, W/o.Late P.Vasu

18.Sermailatha

19.Nageswari

20.Senthilkumar

21.Karthiyayini

22.T.Murugesan

23.Panchavarnam, W/o. Gnanam

24.T.Nagendiran

: Respondents 1 to 24/
Respondents 1 to 24/
Defendants

25.Karthika

: 25th Respondent/



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6th Petitioner/
6th Plaintiff

WEB COPY (Since respondents 1 to 17, 19,
22 and 24 were remained ex-parte
are given up)

PRAYER:-Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 21/04/2023 made in IA No.178 of 2023 in OS No.101 of 2009 on the file of the District Munsif Court, Oddanchathiram.

For Petitioner : Mr.G.Sridharan

For R1 to R9,
R11 to R17, R19,
R22 and R24 : Given up

R10 and R16 : Mr.R.Suriya Narayanan

COMMON ORDER

These civil revision petitions have been filed seeking to set aside the fair and decreetal orders, dated 21/04/2023 passed in IA Nos.176 to 178 of 2023 in OS No.101 of 2009 by the District Munsif, Oddanchathiram.

2.The facts in brief:-

The suit in OS No.101 of 2009 was filed by the plaintiffs seeking the relief of declaration and consequential injunction, etc. The defendants entered appearance, filed their written statement and trial commenced. During the trial process, petitions in IA Nos.



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176 to 178 of 2023 were taken out by the petitioners herein, to reopen the evidence on the side of the plaintiffs, to recall PW1 and to mark certain documents. All the petitions came to be dismissed by the trial court.

3. Against which, these civil revision petitions are preferred.

4. The present petitions were filed by the petitioners with the following averments:-

On the side of the plaintiffs, 21 documents were marked. PW1 was examined. Later, 8 documents marked and cross examination was also over. With the examination of PW2 and PW3. Now the case posted for the defendants side evidence. On the side of the defendants, DW1 was examined. During the course of the cross examination, he denied the order passed in WP(MD)No.14881 of 2013 and the subsequent order passed by the Joint Registrar of Cooperative Societies, on 09/04/2014. He also further denied that the Joint Registrar of Cooperative Societies has observed that the sale by the Kuppanna Gounder, on 22/10/2012 is valid. For the purpose of producing those documents, It is required to be re-opened.



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5.That was resisted by the respondents.

6.After hearing both sides, the trial court dismissed the petitions stating that there is a long delay in producing the documents. Apart from that, it is also stated that the documents now sought to be produced are not relevant documents.

7.Heard both sides.

8.The documents now sought to be produced by the petitioners are the public documents. One in the form of the order passed in WP(MD)No.14881 of 2013, dated 04/03/2014. Similarly, the order passed by the Joint Registrar Cooperative Societies, with reference to the document and sale deed, dated 22/10/1952. The relevancy of those documents ought not to have been gone into by the trial court, while entertaining the petition to recall or reopen the evidence. The relevancy can be found only at the time of trial.

9.When the public documents are available making reference to the facts and issue, opportunity might have been given to the petitioners to produce those documents. Simply because the evidence on the side of the plaintiffs



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is closed, rejecting the request of the petitioners may not be proper. The parties must be given fullest opportunity to put forth their contentions and produce all the documents, which are available with them for recording binding adjudication. More-over, the respondents have not made any strong objection for allowing these petitions.

10.Since the documents sought to be produced are only public documents, as mentioned above, the orders passed by the trial court requires to be set aside.

11.Accordingly, all the civil revision petitions are **allowed**. The fair and decreetal orders, dated 21/04/2023 passed in IA Nos.176 to 178 of 2023 in OS No.101 of 2009 by the District Munsif, Oddanchatiram are hereby set aside and all the Ias stand allowed. No costs. Consequentially, connected Miscellaneous Petitions are closed.

12/03/2024

Index:Yes/No
Internet:Yes/No
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To,

- 1.The District Munsif,
Oddanchathiram,
Dindigul District.
- 2.The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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