



C.R.P. No. 3171 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 07.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.R.P. No. 3171 of 2022

and

C.M.P. No. 16922 of 2022

Pachamuthu

... Petitioner

Vs.

1.Murugesan

2.Sundaraesan

3.Velmurugan

... Respondents

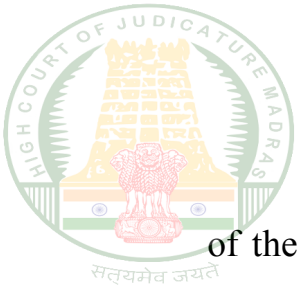
Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the decree and orders dated 27.06.2022 passed in I.A.No.616 of 2022 in O.S.No.531 of 2010 on the file of the II Additional District Munsif Court, Kallakurichi.

For Petitioner : Mr. A. Arunbabu

For Respondents : Mr. R. Bharath Kumar

ORDER

This Civil Revision Petition has been filed to set aside the order dated 27.06.2022 passed in I.A.No.616 of 2022 in O.S.No.531 of 2010 on the file



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of the II Additional District Munsif Court, Kallakurichi. The plaintiff who had filed I.A.No.616 of 2022 under Section 151 of CPC to reopen evidence for the purpose of examining the Village Administrative Officer of Villambur Village.

2. The case of the revision petitioner is that the revenue records namely patta, 'A' register, chitta register, field map register and adangal are necessary for establishing the factum of Item 1 of the suit property being a patta land. The trial Court finding that it is true that the petitioner in order to prove his case, needs the said documents, but falling back on the prerequisite under Rule 75(3) of the Civil Rules of practice disallowed the application.

3. Learned counsel for the petitioner would state that, no prejudice would be caused to the respondent if the Village Administrative Officer is summoned to the Court along with the necessary records and evidence can be recorded and concluded on a any assigned date.



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4. However, the learned counsel for the respondent would state that the suit is of the year 2010 and after the matter was reserved for judgment, the present application has been filed and it is only an attempt to protract the proceedings.

5. I have carefully considered the submissions advanced by the learned counsel on either side and also gone through the impugned order passed by the learned Additional District Munsif, Kallakurichi.

6. I am unable to point out any infirmity in the order of the trial Court dismissing the application since the prerequisite under Rule 75(3) is mandatory and unless the applicant satisfies the Court that he has already made an application for certified copy and the same has not been granted, the Court is not obliged to issue summons for production of the documents from the public authority.

7. In the light of the above, this Civil Revision Petition is dismissed, giving liberty to the revision petitioner to apply for certified copies from the



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Village Administrative Officer, Vilambar Village within one week from the date of receipt of copy of this order.

8. The Village Administrative Officer, Vilambar Village shall issue the certified copy within a period of two weeks. A copy of this order shall be marked by the registry to Village Administrative Officer, Vilambar Village as well as the Tasildar, Vilambar to ensure obedience of the directions passed in this order. The certified copies that are issued by the Village Administrative Officer, Vilambar Village, shall be marked by the trial Court as exhibits on the side of the plaintiff. No oral examination shall be permitted by the trial Court on the additional documents that are sought from the VAO. Any further arguments may be advanced based on the additional documents produced by the VAO and the suit shall be disposed of within a period of four weeks thereafter.

Consequently, connected miscellaneous petition is closed. No costs.

07.08.2025

Index: Yes/No
Neutral Citation: Yes/No
AT

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To

1. The II Additional District Munsif Court, Kallakurichi.
2. The Village Administrative Officer, Vilambar Village.
3. The Tasildar, Vilambar.



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P.B.BALAJI,J.

AT

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