



C.R.P.No.5288 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2025

CORAM

THE HONOURABLE MR.JUSTICE **V. LAKSHMINARAYANAN**

C.R.P.No.5288 of 2024
and C.M.P.No.29513 of 2024

1.Sakthivel
2.Selvi
3.Minor Gobi
S/o. Sakthivel
Rep. By his mother Selvi .. Petitioners
vs

1.Senthilmurugan
2.Minor Venkatesh
S/o. Sakthivel
Rep. By his mother Sivakami .. Respondents

Petition filed under Article 227 of the Constitution of India to
against the fair and decretal order passed by the Subordinate
Judge, Attur at Salem District in I.A.No. 2 of 2024 in O.S.No.33 of
214 dated 16.10.2024.

For Petitioners : Ms.J.Pavithra
For State : Mr.N.Muthuvel,
Government Advocate



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ORDER

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This Civil Revision Petition challenges the order passed by the learned Subordinate Judge at Attur, Salem District in I.A.No.2 of 2024 in O.S.No.33 of 2014 dated 16.10.2024.

2. O.S.No.33 of 2014 is sought for partition and separate possession presented by the respondents herein. The defendants entered appearance and filed a detailed written statement. According to them, the property is not a joint family property but the personal property of one Karuppanna Padaiyachi and the first defendant pleaded that neither the plaintiffs nor defendants 2 and 3 are entitled to have a share in the property.

3. Pending disposal of the suit, an application, in I.A.No.2 of 2024, was filed by the defendants. They sought for summoning of the Village Administrative Officer. The purpose for issuing the summon was to produce the certified copies of the A Register, FMB, patta, chitta and adangal relating to Survey Nos.159/7, 162/10 and 162/12 of Thandavarayapuram Village from the period 01.01.1970 till the date of filing of the application.



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4. This application was stoutly resisted by the plaintiffs.

They pleaded that the civil revision petitioners can always get certified copies of the revenue records and produce the same before the Court. They pleaded that there is no justification to summon the Village Administrative Officer for this purpose and sought for dismissal of the application.

5. The learned Trial Judge pointing out that no list of witnesses was produced by the defendants along with the written statement nor there was any permission sought in terms of Order XVI Rules 1 and 2 of Code of Civil Procedure. Therefore, he dismissed the application. However, he observed that the documents, being public documents, they can be obtained by the civil revision petitioners and produced before the Court. Aggrieved by the same, the present civil revision petition has come up before this Court.

6. I heard Ms.J.Pavithra for civil revision petitioners. I requested Ms.Pavithra to serve the entire set of papers on Mr.N.Muthuvel, learned Government Advocate to get instructions from the revenue authorities at Attur, as to when they will issue certified copies of the records, sought for by the civil revision



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petitioners. I adjourned the matter to enable Mr.Muthuvel to get a report.

7. Today, when the matter was taken up, Mr.Muthuvel submitted that two applications had been filed by the civil revision petitioners on 22.11.2024 and 26.12.2024 seeking for the records viz.,

(i)Chitta

(ii)Adangal

(iii)FMB and

(iv)A Register

in Survey Nos.162/10, 162/11, 168/12 and 168/13. He points out that this request has nothing to do with the request made by them before the Trial Court. Drawing my attention to the order, he points out that what was sought for before the Trial Court was the documents pertaining to Survey Nos.159/7, 162/10 and 162/12. Mr.Muthuvel categorically states that the documents sought for by the civil revision petitioners will be given to them within a period of **four weeks** from the date of receipt of a copy of this order.

8. A perusal of the plaint schedule shows that the documents which the civil revision petitioners sought for by way of



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two letters given to the Tahsildar at Attur, co-relate to the suit property. For having given the mistaken numbers in the application does not mean the same should be denied by the Revenue authorities.

9. As per Rule 75 of the Civil Rules of Practice and Circular Orders framed by this Court in exercise of Section 122 of CPC, documents in the custody of the public officer should be summoned only if the records are not easily available.

10. As the learned Government Advocate had stated that the certified copies of these records will be furnished to the civil revision petitioners within a period of four weeks, I do not find any reason to take a different view than the one taken by the learned Subordinate Judge. Suffice it to record the undertaking given by the learned Government Advocate and give appropriate directions.

11. The Tahsildar, Attur Taluk, Salem District shall issue the certified copies of the records sought for by the civil revision petitioners within the period undertaken by the learned Government Advocate. On issuance of the said records, the civil revision petitioners are free to produce the same before the learned Trial



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Judge, after filing an appropriate application, under Order VIII Rule 1- A (3) of the Code.

12. With the above observation, the civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

23.01.2025

Index:Yes/No
Neutral Citation:Yes/No
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P.S.: Registry is directed to mark a copy of this order to the Tahsildar, Attur Taluk, Salem District.

To

The Subordinate Judge,
Attur at Salem District.



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V. LAKSHMINARAYANAN,J.

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