



C.R.P.(PD)(MD).No.575 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD).No.575 of 2025
and CMP(MD).No.3120 of 2025

1.Murugan

Markandam(died)

2.Bhavani

3.Panchavarnam

4.Chandrakumar

5.Saravanan

.... Revision Petitioners/Petitioner Nos.1, 3 to 6

/Defendants 1, 4 to 7

-VS-

1.Meenakshi

2.Umarani

3.Ramadevi

4.Kavitha

5.Karthik

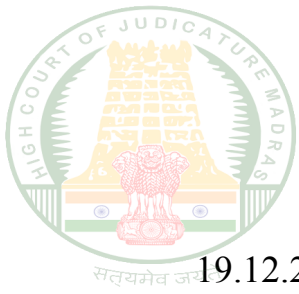
....Respondents/ Respondents 1 to 5

/ Plaintiff

6.Prabhakaran

...Respondent/6th Respondent/3rd Defendant

PRAYER: The Civil Revision Petition has been filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated



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19.12.2024 in I.A.No.7 of 2024 in O.S.No.618 of 2010 on the file of the
Additional District Munsif Court, Thirumangalam.

For Petitioners : Mr.P.Ganapathi Subramanian

For Respondents : Mr.J.Barathan for R1, R2, R4 & R5

: No appearance for R3 & R6

ORDER

The defendants 1, 4 to 7 in O.S.No.618 of 2019 on the file of the Additional District Munsif Court, Thirumangalam have filed the above civil revision petition challenging the dismissal of their application filed for examining the witnesses as per witness list on the ground that the said applications have been filed belatedly and their relevance is not known to the Court.

2.The present suit has been filed for the relief of declaration of title, recovery of possession and permanent injunction. When the suit was posted for arguments, the defendants have filed I.A.No.5 of 2024 seeking to reopen for examination of witnesses. Though this application was allowed, on two hearings the defendants have not produced any witness. Thereafter I.A.No.7 of 2024 has been filed along with the list of witnesses. This list contains 13 witnesses. This application came to be dismissed by



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the trial Court on the ground that none of them are connected with the suit and the defendants have not explained in what way they are relevant. Challenging the said order, the present civil revision petition has been filed.

3.The learned counsel for the revision petitioners had contended that Witness Nos.2, 3 and 4 are connected with Exhibit B1 and Witness Nos.5 and 6 are connected with Exhibit B2. He had further contended that Witness Nos.12 and 13 are connected with Exhibit B3 and B4. Witness Nos. 7 to 11 have to be examined to prove the fact that there was a oral exchange and based on the oral exchange, the brothers have mutated the revenue records.

4.The learned counsel for the respondents had contended that these applications have been filed much belatedly without assigning any reason whatsoever that too in the argument stage.

5.Heard both sides and perused the material records.

6.The witness list filed along with I.A.No.7 of 2024 reveals that Witness Nos. 2 and 3 are the attesting witnesses of Exhibit B1. Witness No.5 is the attestor of Exhibit B2. The 12th and 13th witnesses are attesting witnesses of Exhibit B3 and B4 respectively.



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7.As far as Witness Nos. 4 and 6 are concerned, they are scribe to their respective documents. Their examination is not contemplated under law. As far as witness Nos. 7 to 10 are concerned, they are official respondents and they have no role to play in a suit for declaration of title and recovery of possession and for permanent injunction. The reason for examination of 11th defendant has not been stated in the affidavit.

8.In view of the above said deliberations, this Court is inclined to partly set aside the impugned order in I.A.No.7 of 2024 and the revision petitioners herein shall be permitted to examine Witness Nos. 2, 3, 5, 12 and 13. The said examination shall be completed on or before 30.04.2025. No further time shall be granted to the defendants to examine these witnesses. The plaintiffs shall cross examine the witnesses on the same day. The suit shall be disposed of on or before 31.08.2025.

9.This Civil Revision Petition is partly allowed with the above said observations. No costs. Consequently, connected miscellaneous petition is closed.

01.04.2025

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
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To

1.The Additional District Munsif, Thirumangalam

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J

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