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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.809 of 2025

and

C.M.P(MD)No.4358 of 2025

1.V.Meenal
2.V.Muthu
3.V.Kala
4.V.Tamilselvi
5.V.Panchavarnam
6.V.Chinnamani

...Petitioners/Petitioners/Defendants

Vs

1.N.Alagammai
2.A.Shanthi Ashokan
3.B.Meenal Balu

....Respondents/Respondents/Plaintiffs

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order dated 16.10.2024, passed in I.A.No.01 of 2024, in O.S.No.130 of 2022, on the file of the Sub Court, Sivagangai, and to allow this revision.

For Petitioners : Mr.V.Santhakumaresan

For Respondents : Mr.K.K.Senthil

* * * * *



ORDER

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The defendants in O.S.No.130 of 2022, on the file of the Sub Court, Sivagangai, have filed the present revision petition challenging the dismissal of their application filed for reception of documents.

2.A perusal of the records reveal that the defendants herein, as plaintiffs have filed O.S.No.163 of 1999, before the District Munsif Court, Sivagangai, for the relief of declaration of title and for permanent injunction. The suit was dismissed by the trial Court and confirmed by the first appellate Court. The plaintiffs have filed S.A.No.508 of 2002, before this Court. This Court has partly allowed the Second Appeal granting a decree for permanent injunction in favour of the plaintiff that they shall not be evicted unless by due process of law. This Court has also made it clear that the plaintiffs in the said suit have not established their title.

3.Thereafter, the defendants in O.S.No.163 of 1999, have filed the present suit for recovery of possession. When the suit is posted for evidence of the defendants, the present application has been filed seeking permission of the Court for reception of documents. This application has been rejected by the trial Court primarily on the ground that the defendants are attempting to re-litigate



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the issue again. Challenging the same, the present revision petition has been filed.

4. According to the learned Counsel appearing for the revision petitioners, these documents would establish the fact that they have made improvement in the suit schedule property and therefore, these are relevant documents for the purpose of disposal of the suit.

5. Per contra, the learned Counsel appearing for the respondents herein has contended that it is the suit for recovery of possession and therefore, these documents are not relevant.

6. I have considered the submissions made on either side and perused the materials available on record.

7. From the prayer in the plaint, it could be seen that the suit is for recovery of possession. In S.A.No.508 of 2002, this Court has already held that the present defendants do not have any title to the property and granted a decree for permanent injunction not to be evicted unless by due process of law. In such circumstances, it is clear that the defendants in the present suit cannot claim any



title to the property. However, they are only liable to be evicted after following due process of law. In such circumstances, the defendants attempt to prove improvements over the suit schedule property would not in any way be relevant for the disposal of the present suit.

8.The trial Court has rightly rejected the said application. Considering the fact that already the parties are in litigation from the year 1999, onwards and the present suit is of the year 2022, the trial Court is directed to dispose of the suit on or before **31.10.2025**.

9.With the above said observations, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

25.04.2025

Internet:Yes/No
Index:Yes/No
RJR



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R.VIJAYAKUMAR, J.

RJR

To

The learned Sub Judge,
Sivagangai.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.

C.R.P.(PD)(MD)No.809 of 2025

25.04.2025