



C.R..P.(PD)(MD).No.640 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.640 of 2025

and

C.M.P(MD) No.3432 of 2025

P.Salath Anthony Viyagappan

... Petitioner/Petitioner
Plaintiff

Vs.

1. Michael Sepasthiyan

2. Santhiya Viyagappan

Late. Savarimuthu

Late. Marimuthu

3. Soosai Viyagammal @ Rayammal

4 . E.Murugan

5. S.Mariya Philomeenal

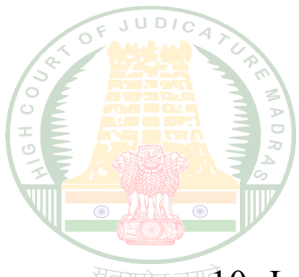
6. S.Lourthu Sepathiyal

7. Jesu Anthony

8. Carmal Salath Sofia

9. Merina

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10. Johnsa

11. Sabina

12. Joseph Raj

13. Michael Motcham

14. Nicholes

15. Chinnasamy Nadar

16. Thangasamy

17. Karpammal

... Respondents/
Respondents/
Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order passed in I.A.No.03 of 2023 in O.S.No.29 of 2012 passed on 05.12.2024 on the file of the learned District Munsif cum Judicial Magistrate, Shencottah, Tenkasi District.

For Petitioner : Mr. T.Thirumurugan

ORDER

The plaintiff in O.S.No.29 of 2012 on the file of the District Munsif – cum – Judicial Magistrate, Shencottah, has filed the present Civil Revision Petition challenging the dismissal of his application to stay the proceedings until the missing documents are traced out.



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2. It could be seen from the records that the above said suit has been filed for the relief of declaration of title and permanent injunction. Pending suit, the Court documents were missing and the Presiding Officer has issued memo to the concerned Court staff. The Court has also taken steps to reconstruct the bundle by obtaining copies from either side. The Court is also going to use the additional copies found in the bundle. In such circumstances, the plaintiff has filed the present application in I.A.No.3 of 2023 to stay the proceedings until the missing original documents are traced out. This application has been dismissed by the trial Court. Challenging the same, the present Civil Revision Petition has been filed.

3. According to the learned counsel appearing for the revision petitioner, even before reconstruction, the trial Court is proceeding with the trial. The learned counsel for the petitioner further alleged that in case if the documents are reconstructed, the Court would not issue certified copies of those documents. Hence, the present Civil Revision Petition.

4. This Court is perused the records and the reasons assigned by the trial Court for dismissing the stay petition.



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5. It is not in dispute that some of the documents had been missing and the Court has already taken steps to reconstruct the bundle by obtaining copies from either side counsel. There is no dispute with regard to the genuineness of the documents which are produced by either side for reconstructing the bundle. In such circumstances, the suit of the year 2012 cannot be stayed until the original documents are traced out. The trial Court shall proceed to reconstruct the entire bundle and thereafter, proceed to conduct the trial, in accordance with law. In case if the plaintiff makes any application for certified copy, the same may be considered.

6. With the above said observation, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

04.03.2025

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

1. The District Munsif – cum – Judicial Magistrate,
Shencottah.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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