



CRP(MD). No.2893 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

**CRP(MD). No.2893 of 2024
and
CMP(MD)No.16564 of 2024**

Durai Pichai

... Petitioner

Vs.

1.Ayyammal

2.Visuvamithiran

... Respondents

PRAYER :- Civil Revision Petition filed under Article 227 of The Constitution of India, against the fair and decreetal order dated 05.04.2024 made in I.A.No.3 of 2024 in O.S.No.51 of 2021 on the file of Sub Court, Manamadurai, set aside the same and allow this Civil Revision Petition.

For Petitioner : Mr.S.Srinivasa Raghavan

For Petitioner : Mr.T.K.Gopalan for RR1 & 2



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ORDER

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This Civil Revision Petition had been filed against the fair and decreetal order dated 05.04.2024 made in I.A.No.3 of 2024 in O.S.No.51 of 2021 on the file of Sub Court, Manamadurai, set aside the same.

2. Mr.S.Srinivasa Raghavan, learned counsel for the petitioner would submit that he had instituted the suit against the respondent for a relief of declaration of title, cancellation of deed of Inam and for various other reliefs and presently the suit stands posted for cross-examination of the defendants side witness.

3. At that juncture, he had taken out an application to summon the Village Administrative Officer to substantiate the evidence of the petitioner supported by Ex.A3. He would submit that the Trial Court without considering the claim made by the petitioner, had dismissed the same by holding that the petitioner could substantiate the same by cross-examining the defendants or by examining the owners of adjacent property owners and therefore, there is no necessity to examine the Village Administrative Officer. He would submit that the Village



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Administrative Officer would be an Authority to speak about the boundaries under Ex.A3 and not the adjacent land owners. He would further submit that when the right to examine the adjacent owners is available there is no error on behalf the petitioner to call for the evidence of Village Administrative Officer in that regard and therefore, he prays this Courts indulgence to the order impugned.

4. Countering his arguments, Mr.T.K.Gopalan, learned counsel appearing for the respondent would submit that there is no necessity to examine the Village Administrative Officer to prove the boundaries of the suit property. He would further submit that an earlier application filed for appointment of an Advocate Commissioner was also rejected and the same had become final between the parties. He would further submit that it is only an attempt to protract the proceedings and therefore, there is no necessity to summon the Village Administrative Officer and the Court below had rightly rejected the petition. Hence, he prays this Court to dismiss the Revision.



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5. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

6. The application seeking for examination of the Village Administrative Officer on the side of the petitioner had been rejected not on the ground of protraction of proceeding but on the ground that the petitioner could examine the adjacent land owners and also by producing necessary documents with regard to the same, apart from elucidating during the cross-examination of the respondents/ defendants. When such a reason has been assigned it is not known as to how a Village Administrative Officer who is a Government servant who manages the land Revenue Records of a particular village would not be a competent witness than the other adjacent land owners. It would only further complicate the issue. In such view of the matter, this Court is unable to comprehend the reasons given by the learned Judge in dismissing the application.

7. For the aforesaid reasons, the impugned order in the Revision is set aside and the I.A. filed for examining the Village Administrative



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Officer in I.A.No.3 of 2024 stands allowed. Necessary summons shall be issued by the Court below to the Village Administrative Officer, Thirubuvanam and examine him and thereafter, proceed to examine the witness on the side of the defendants. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is also closed.

17.10.2025

Index : Yes/No
Internet : Yes/No
NCC : Yes/ No
GBA

TO

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

2.The Sub Court, Manamadurai,



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K.KUMARESH BABU,J.

Gba

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