

CRP(MD). No.2574 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 25/08/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

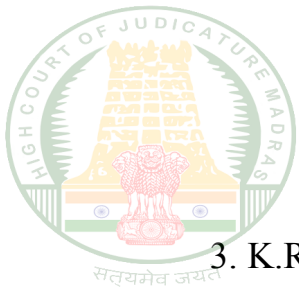
CRP (MD). No.2574 of 2022
and CMP(MD) No.12657 of 2022

1. Aseena Begum,
2. Amjath Begum,,
3. Sahitha Begum,,
4. Raseetha Begum,,
5. Sofiya Banu,,
6. Ashraf Nisha,,
7. Syed Abdulla

... Petitioners

Vs

1. N.Noorjahan
 2. State of Tamil Nadu,,
Rep.By the District Collector,
Velunatchiyar Valakam, Thadikombu Road,
Dindigul Town..
- Jainambu (Died)



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3. K.Raja Mohammed

4. The Tahsildar,,
Dindigul East, Taluk Office Road,
Dindigul Town, Dindigul.

... Respondents

PRAYER :-Civil Revision petition filed Under Article 227 of the Constitution of India,to set aside the fair and decreetal order passed in I.A.No.1630 of 2019 in O.S.No.54 of 2006 dated 22-09-2022 on the file of the Principal District Munsif Court, Dindigul.

For Petitioner : Mr.H.Arumugam

For Respondent : Mr.B.Saravanan for R2 and R4

Additional Government Pleader

No appearance for R1 and R3

ORDER

The Civil Revision Petition has been filed against the fair and decreetal order passed in I.A.No.1630 of 2019 in O.S.No.54 of 2006 dated 22-09-2022 on the file of the Principal District Munsif Court, Dindigul.

2. The learned counsel for the petitioners would submit that the petitioners are the defendants 5 to 11 in OS No.54 of 2006, which was filed by the 1st respondent/plaintiff for declaration and permanent



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injunction, for measuring the property and for injunction not to grant any patta to the defendants 3 to 11. In the said suit, after the plaintiff's evidence was over, the plaintiff filed IA No.779/2012 for amending the suit schedule property, which came to be allowed. Against which, the defendants filed CRP (MD) NO.1292/2013, which came to be dismissed on 15.03.2019. After amendment, the defendants filed additional written statement. Subsequently, PW1 was examined and her documents were exhibited. After closing the evidence of PW1, DW1 was examined and their documents were exhibited on 27.11.2019. While so, the plaintiff filed an application in IA No.1630/2019 under Section 151 of the Code of Civil Procedure to scrap the proof affidavit that was filed by D.W.1/first petitioner herein on the ground that the proof affidavit did not contain the details of the written statement and counter affidavit, however, new pleadings and new documents are introduced, which is not admissible one.

3. The learned counsel would submit that since the earlier suit in OS No.263/2004 mentioned in the chief affidavit of DW1 and as such, the plaintiff has suppressed the same in the suit and hence, the



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defendants produced the same in the proof affidavit, which does not require any pleading and if the pleadings are enough and the documents marked, mentioning the same in the affidavit would not affect the case of the parties and hence, the scrapping of the proof affidavit is not sustainable one.

3. I have considered the rival submissions and perused the materials available on record.

4. The Civil Revision Petition is to be dismissed on the simple reason that earlier, the plaintiff filed IA No.779/2012 to amend the suit schedule property, which came to be allowed and subsequently, after the evidence of PW1 and D.W.1 was over and documents were exhibited, proof affidavit was filed, which did not contain pleadings and no evidence was let in and on that basis, the plaintiff sought for scrapping the proof affidavit, which came to be allowed. It is to be noted that without there being any new pleadings, no evidence, the proof affidavit has been filed by D.W.1 after the evidence was over. Since the proof affidavit contains new pleadings and new documents, the trial Court,



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having taken note of the said fact, has allowed the said application and since no prejudice is caused to the petitioners/defendants by allowing the application for scrapping the proof affidavit, no interference is warranted to the order of the Court below. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

25.08.2025

NCC : Yes/No

Index : Yes/No

RR

TO

1.The District Collector,
Velunatchiyar Valakam, Thadikombu Road,
Dindigul Town..

2.The Principal District Munsif Court, Dindigul.

3.The Tahsildar,,
Dindigul East, Taluk Office Road,
Dindigul Town, Dindigul.

4.VR Section
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

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**ORDER
IN
CRP(MD) (NPD) No.2574 of 2024**

Date : 25/08/2025