



CRP(MD). No.3044 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24/10/2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

CRP(MD). No.3044 of 2025

and

CMP(MD)No.17176 of 2025

Thangamani (Died)

Suseela

... Petitioner / Defendants

Vs

K.Sekar (Died)

Vidivelli (Died)

Rajiv Gandhi (Died)

1.Rajakumari,

2. Nathiya,

3. Minor Menakshi,

4. Minor Sethupandi,

5. Minor Ishwarya,

(Minor Petitioners are
3 to 5 Represented Through Their Mother
and natural guardian the second respondent)



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6. D.Manoharan

... Respondents

PRAYER :-

Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the fair and decreetal order dated 10.09.2025 passed in I.A.No. 9 of 2025 in OS No. 548/2004 on the file of the Principal District Munsif Court, Tirumangalam by allowing this Revision Petitioner.

For Petitioner : Mr. J.Mathesh,
Advocate.

ORDER

This Civil Revision Petition is filed to set aside the fair and decreetal order dated 10.09.2025 passed in I.A.No. 9 of 2025 in OS No. 548/2004 on the file of the Principal District Munsif Court, Tirumangalam by allowing this Revision Petitioner.

2. Learned counsel for the petitioner would submit that the respondents 1 to 9 herein had initiated a suit against the petitioner to declare themselves as the owners of the suit schedule property and for recovery of possession, in which he had taken out an application to examined two official witnesses namely the Village Administrative Officer of Thanakankulam Village Panchayat and Member Secretary of



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the Directorate of Town and Country Planning Department,
Koodalnagar, Madurai.

3. He would submit that the Court below without considering the claim of the petitioner, had dismissed the said interlocutory application by holding that when the FMB and the lay out documents have been filed before the Court, the same has not been marked through any witnesses and at present, the application to call for two official witnesses in a suit which has been filed as early as in the year 2004, could not be entertained. He would submit that only to mark the documents available in the Court records, the petitioner had sought to examine such witnesses. Therefore, he seeks this Court indulgence to the order impugned.

4. I have considered the submissions made by the learned counsel for the petitioner and perused the materials available on record.

5. The suit in which the interlocutory application had been filed is as early as in the year 2004, wherein declaration of title and



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consequential recovery of possession by removing the encroachment had been sought for. A perusal of the affidavit filed in support of the said interlocutory application, itself would indicate that the Court had earlier rejected the FMB sketch and the lay out of the property as exhibits as copies of the same have only sought to be marked. No reasons have been attributed as to how in a suit of the year 2004, such an application have been sought to be filed in the year 2025. No step has also been taken to produce the original FMB sketch or the lay out approval. When that be so, this Court is unable to comprehend the application filed by the petitioner to examine the said witnesses.

6. For the aforesaid reasons, this Court do not find any infirmity in the order impugned in this Civil Revision Petition and accordingly, this Civil Revision Petition fails and dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

24.10.2025

NCC : yes / no
Index : yes / no
Internet : yes / no

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To

1. The Principal District Munsif, Tirumangalam.
2. The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.



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K.KUMARESH BABU, J.

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ORDER
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