



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 15 / 12 / 2025

PRONOUNCED ON : 28 / 01 / 2026

CORAM:

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

Civil Revision Petition No.1974 of 2023

and

Civil Miscellaneous Petition No.12460 of 2023

T.V. Pakkiri Shankar,
No.9, Kommu Reddy Street,
Thiruvallur Town,
Thiruvallur District.

...Petitioner/Petitioner/Defendant

Versus

K.A. Vincent (died)

1. V. Jesu Vincent,
No.3/488, Seevaga Chinthamani Salai,
Mugapair West,
Chennai – 600 037.

2. G. Prabhavathy,
Old No.18, New No.27,
Ground Floor, Balfour Road,
Kilpauk,
Chennai - 600 010.

... Respondents /Respondents/ Plaintiffs



C.R.P.No.1974 of 2023

Prayer:- Civil Revision Petition filed under Article 227 of Constitution of India, 1950 praying to set aside the Fair and Decreetal Order dated December 7, 2022 passed in I.A.No.1 of 2021 in O.S. No.546 of 2007 on the file of the Additional District Munsif, Thiruvallur.

For Petitioner : Mr. A. Palaniappan

For Respondents : Notice sent to R1 returned as 'left'.
Notice sent to R2 returned as 'no such person'. Notice dispensed with vide this Order.

For the summoned witness
- Deputy Zonal Tahsildhar, : Mrs.R. Anitha
Tirupachur Taluk Special Government Pleader

ORDER

Aggrieved by the Dismissal Order dated December 7, 2022 passed in I.A.No.1 of 2021 in O.S. No.546 of 2007 filed under Order XVI Rules 10 and 12 of “the Code of Civil Procedure, 1908” (“CPC” for short) by “the Additional District Munsif, Thiruvallur” (hereinafter referred to as the “Trial Court”), the present Civil Revision petition has been filed by the petitioner therein under Article 227 of Constitution of India, 1950 praying to set aside the same.

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2. The petitioner herein is the defendant and the respondents herein are the plaintiffs in O.S. No.546 of 2007 on the file of the Trial Court.

3. For the sake of convenience and clarity, the parties will be hereinafter referred to as per their array in the Original Suit.

4. The case of the plaintiffs is that the suit property originally belonged to one Mr. S.E. Richard Samuel who passed away on July 04, 1961 leaving behind his children, the 1st plaintiff and his sister V.C. Kanthimathi, as legal heirs. After the demise of their father, the 1st plaintiff's sister V.C.Kanthimathi, executed a Release Deed in favour of the 1st plaintiff on September 08, 2006 relinquishing all her rights over the Suit Property. After the execution of Release Deed, the 1st plaintiff is in possession and enjoyment of the Suit Property. Subsequent to the Release Deed, he has mutated patta in his name and laid boundary stones after measuring the entire Suit Property with the help of Surveyor on July 07, 2007. In the meanwhile, he came to know that the boundary stones were stolen away by the defendant. Hence, the 1st plaintiff gave a police complaint against the defendant. The Police advised them to approach the appropriate Civil Court for their remedy as the matter



was Civil in nature. Since the defendant was attempting to trespass into the Suit Property, the 1st plaintiff filed the Suit in O.S. No.546 of 2007 before the Trial Court seeking permanent injunction against the defendant.

5. Further case of the plaintiff is that during the pendency of the Suit, the 1st plaintiff executed a registered Settlement Deed in favour of the 2nd plaintiff on December 31, 2007. After execution of the Settlement Deed, the 2nd plaintiff is in peaceful possession and enjoyment of the Suit Property.

6. The defendant filed written statement denying all averments made in the plaint and further stated that the plaintiffs have no right and title over the Suit Property. The Suit Property originally belonged to one Mr. T.S. Thiruvengadam S/o. Shanmuga Mudaliar, and the Defendant is a cultivating tenant in the Suit Property since 1975. Subsequently, the defendant purchased the Suit Property from T.S. Thiruvengadam under an unregistered Sale Deed dated August 2, 1980. The defendant is in possession and enjoyment of the Suit Property since then.



7. Based on the pleadings, it is seen that at the stage of D.W.1's evidence, the defendant filed the Interlocutory Application in I.A.No.1 of 2021 under Order XIV Rules 10 & 12 read with Section 151 of CPC praying to issue a proclamation requiring the witness viz., the Zonal Deputy Tahsildar, (Tirupachur), Thiruvallur Taluk Office, Thiruvallur, to produce the document - Adangal extracts for the Fasli Year 1410 and 1414, in compliance with summons and in default thereof, order for his arrest for non-appearance and non-production of the document for the effective adjudication.

8. The Trial Court after hearing both sides, dismissed I.A. No.1 of 2021 stating that at the instance of the defendant, summons were issued to the Zonal Deputy Tahsildar and Mr. S.V. Arunkumar, Junior Assistant attached to the Zonal Deputy Tahsildar appeared before the Court and produced the document relating to Fasli 1410 and reported that the document relating to Fasli 1414 is not available at their office. The Trial Court observed that it is not proved that the Zonal Deputy Tahsildar deliberately retained the said document. The Trial Court further observed that the petitioner can apply for the certified copy of the required document which will be maintained in the Tahsildar office and District Collector Office. Accordingly, I.A. No.1 of 2021



was dismissed by order dated December 7, 2022. Challenging the aforesaid Dismissal Order, the defendant has filed the present Civil Revision Petition.

9. Considering the nature of the Civil Revision Petition, this Court hereby dispenses with the notice for respondents 1 and 2.

10. When this Civil Revision Petition and connected Civil Revision Petition No.1999 of 2023 came up before this Court on June 28, 2023, after hearing the learned Counsel for the revision petitioner, a learned Single Judge of this Court issued notice to the respondents and also to the Zonal Deputy Tahsildhar, Tirupachur, Thiruvallur. When the matter came up before this Court on November 28, 2025, Mrs.R. Anitha, Special Government Pleader appeared on behalf of the Zonal Deputy Tahsildhar and submitted that Adangal Extract pertaining to Fasli 1414 is missing and attempts are being made to locate the same. At the request of both sides, the matter was adjourned to December 15, 2025.

11. On December 15, 2025, Mr. A. Palaniappan, learned counsel appearing for the Revision petitioner would submit that the Adangal extract



for Fasli 1414 is essential to prove the case of the defendant. It is essential to prove his ownership and possession of the suit property as well as his long time cultivation therein. After issuing summons, the Zonal Deputy Tahsildar ought to have produced the document relating to Fasli 1414 before the Trial Court, but failed to do so. Hence, the defendant is not able to prove his right over the suit property. Under such circumstances, the Trial Court ought to have taken stringent action against the Zonal Deputy Tahsildar for his failure to produce the requested document. Without considering the rational approach of the petitioner, the Trial Court dismissed the Interlocutory Application. Hence, he sought to allow this Civil Revision Petition and prayed to set aside the dismissal Order dated December 7, 2022 passed by the Trial Court.

12. Mrs.R.Anitha, Special Government Pleader appearing for the Zonal Deputy Tahsildhar, Tirupachur, Thiruvallur District, on instruction would submit that the Adangal extract in respect of Fasli 1414 is missing and hence it was not produced by the Authority concerned. However, Adangal extract relating to Fasli 1410 was produced before the Trial Court. Non-production of the Adangal extract relating to Fasli 1414 is neither willful nor wanton on the side of the Authority concerned. The Trial Court after considering the facts



and circumstances of the case, rightly dismissed the Interlocutory Application.

Hence, there is no warrant to interfere with the Order of the Trial Court.

Accordingly, she prayed to dismiss the Civil Revision Petition.

13. This Court has considered both side arguments and perused the entire documents annexed along with the Civil Revision Petition.

14. On perusal of the records, it could be seen that on summon, the Authority concerned has produced the Adangal extract for Fasli 1410, and that for the Fasli 1414 could not be produced as it was not available on his record. The non-production of the required document does not appear to be wanton or willful. The matter is a civil dispute between the plaintiff and the defendant and the authority concerned does not seem to have any personal interest in the subject matter. In the facts and circumstances of this case, this Court does not find any illegality and irregularity in the Order passed by the Trial Court. Consequently, the Civil Revision Petition does not have any merit and is liable to be dismissed.



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15. In the result, this Civil Revision Petition is dismissed. Considering the facts and circumstances of the case, there shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index : Yes
Speaking order : Yes
Neutral Case Citation : Yes
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To

The Additional District Munsif
Thiruvallur.



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R.SAKTHIVEL, J.

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Pre-delivery order made in
Civil Revision Petition No.1974 of 2023

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