



C.R.P. (MD) No. 911 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2026

CORAM

THE HON'BLE MR. JUSTICE **N.SENTHILKUMAR**

C.R.P.(MD)No. 911 of 2022

and

C.M.P.(MD)No.3654 of 2022

1.Rajammal
2.Palanichamy

... Petitioners

-VS-

Surulichamy

... Respondent

Prayer:- Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 04.04.2022 made in I.A. No.2 of 2022 in O.S.No.283 of 2017 on the file of the Subordinate Court, Uthamapalayam, by allowing this Civil Revision Petition.

For Petitioners : Mr. K.Guhan

For Respondent : Mr. G.Gomathi Shankar

ORDER

This Civil Revision Petition challenges the order dated 04.04.2022 made in I.A.No.2 of 2022 in O.S.No.283 of 2017 on the file of the Subordinate Court, Uthamapalayam, (hereinafter referred to as “Trial Court” in short).



C.R.P. (MD) No. 911 of 2022

WEB COPY

2.The parties are hereinafter referred to as by the description in the proceedings in O.S.No.283 of 2017 before the Trial Court for the sake of clarity and convenience.

3.Heard Mr.K.Guhan, learned Counsel for the Defendants and Mr.G.Gomathi Shankar, learned Counsel for the Plaintiff and perused the materials placed on record apart from the pleadings of the parties.

4.The suit in O.S.No.283 of 2017 had been filed for declaration of title and to declare that the rectification deed executed in favour of the Defendants is null and void. The Plaintiff had taken out an application in I.A.No. 2 of 2022 to summon the Thasildhar as witness, which was granted by the impugned order.

5.The pivotal attack on the impugned order by the Learned Counsel appearing for the Defendants is that the Plaintiff had not produced any document in respect of which, the witness who is revenue authority could be questioned as witness in the Trial Court.



C.R.P. (MD) No. 911 of 2022

6.The impugned order solely permits the Plaintiff to summon the Tahsildar as witness.

7.According to the learned Counsel appearing for the Plaintiff, the Plaintiff has obtained information under the Right to Information Act, relating to the subject property, for which necessary clarification would be elicited only after examining the Tahsildar before the Court during the trial.

8.This Court does not find any reason to prevent the Plaintiff from leading evidence by summoning the Tahsildar as granted by the Trial Court. It is always open to the opposite party to cross-examine the witness and also place other materials as evidence as may be brought by the witness.

9.That apart, Section 105(1) r/w Rule 1A(1) of Order XLIII of the Civil Procedure Code, 1908, does not make a bar of the Court to challenge the orders passed during the trial, as the same could be raised as a ground of appeal against the decree, which affects the rights of the parties.

10.That apart, the Hon'ble Supreme Court of India, in the decision in ***Manisha Mahendra Gala -vs- Shalini Bhagwan Avatramani*** (Order dated



C.R.P. (MD) No. 911 of 2022

10.04.2024 in Civil Appeal No. 9642 of 2010) has laid down the parameters under which the Court interferes under Article 227 of Constitution of India.

None of the said provisions fall in the present case.

11.In that view of the matter, this Court does not find any infirmity in the impugned order passed by the Trial Court warranting interference in the exercise of its superintending jurisdiction under Article 227 of the Constitution of India. Since the suit is of the year 2017, it shall be ensured by the Trial Court that there is atleast one effective hearing every week showing progress of the case and quarterly reports in that regard shall be sent to the Registrar (Judicial) of the Court till final orders are passed in the case.

12.In fine, the Civil Revision Petition is dismissed with the aforesaid clarification. No costs. Consequently, connected miscellaneous petition is closed.

20.01.2026

Index : Yes/No
NCC : Yes/No
cmr



C.R.P. (MD) No. 911 of 2022

To

1. The Subordinate Judge, Uthamapalayam.
2. The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P. (MD) No. 911 of 2022

N.SENTHILKUMAR, J.
cmr

C.R.P. (MD) No. 911 of 2022

20.01.2026