



C.R.P. (MD) No. 1742 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2026

C O R A M

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P. (MD) No. 1742 of 2023

and

C.M.P. (MD) No. 8669 of 2023

Joesph Bhawya

... Petitioner

Vs.

1.Mariya Nayaki

2.The State of Tamil Nadu,
Rep. By its District Collector,
Kanyakumari Collectorate,
Nagercoil Post,
Nagercoil Village,
Agastheeswaram Taluk,
Kanyakumari District.

3.The Assistant Engineer, WRD/PWD,
Irrigation (Special Section),
Thuckalay – 629 175,
Thucklay Post, Kalkulam Taluk,
Kanyakumari District.

4.The Thasildar,
Kalkulam Taluk,
Thuckalay Village,
Kalkulam Taluk,
Kanyakumari District.



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5. The Revenue Inspector,
Colachel Firka,
Colachel Post, Colachel Village,
Kalkulam Taluk,
Kanyakumari District.

6. The Village Administrative Officer,
Vellichanthai Village,
Vellichanthai Post,
Kalkulam Taluk,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 27.06.2023 passed in I.A. No. 10 of 2023 in O.S. No. 38 of 2016 on the file of the District Munsif Court, Eraniel and allow the present Civil Revision Petition.

For Petitioner	: Mr. M.Saravanan
For Respondents	: Mr. P.Thambidurai (R2 to R6)
	Government Advocate
	No appearance (R1)

ORDER

This Civil Revision Petition challenges the order dated 27.06.2023 passed in I.A. No. 10 of 2023 in O.S. No. 38 of 2016 on the file of the District Munsif Court, Eraniel (hereinafter referred to as the 'Trial Court' for short).



2. Heard Mr. M.Saravanan, Learned Counsel for the Petitioner and Mr.P.Thambidurai, Learned Government Advocate for the Second to Sixth Respondents and perused the materials placed on record apart from the pleadings of the parties.

3. The parties are hereinafter referred to as their description in the suit in O.S. No. 38 of 2016 for the sake of clarity and convenience. The application for transposing the First Plaintiff as the Sixth Defendant has been rejected by the impugned order passed by the Trial Court.

4. The Trial Court was of the view that though there has been subsequent dispute between the Plaintiffs, the First Plaintiff has already filed 13 documents and the First Defendant has not entered into the witness box to prove the documents. It is for the Second Plaintiff to let in the evidence for transposing the First Plaintiff as the Sixth Defendant.

5. In view of the aforesaid circumstances, this Court does not find any reason to interfere with the impugned order passed by the Trial Court. It is made clear that the Trial Court shall decide the matter based on the evidence of the parties on merits and in accordance with law. If the First Defendant marks



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any documents, it is open to the Second Plaintiff to mark the said documents and make evidence in that regard.

In that view of the matter, this Civil Revision Petition is dismissed with the aforesaid clarifications. No costs. Consequently, connected miscellaneous petition is closed.

20.01.2026

Index : Yes/No
NCC : Yes/No
Indu

To:-

- 1.The District Collector,
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Agastheeswaram Taluk,
Kanyakumari District.
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Vellichanthai Village,
Vellichanthai Post,
Kalkulam Taluk,
Kanyakumari District.
6. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.
7. The District Munsif Court, Eraniel.



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N.SENTHILKUMAR, J.

Indu

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