

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2015

CORAM:

THE HON'BLE MR. JUSTICE D.HARIPARANTHAMAN

C.R.P.No.3297 of 2015

&

M.P.No.1 of 2015

R.Kandan

... Petitioner/Petitioner
/Plaintiff

Vs.

R.Kumar

... Respondent/Respondent
/Defendant

Prayer:

Civil Revision Petition filed under Article 227 of the Constitution of India against the decree and judgment dated 29.06.2015 made in I.A.No.5204 of 2015 in O.S.No.86 of 2012 on the file of the learned II Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.C.Nithyash Sekhar

ORDER

The revision petitioner is the plaintiff in O.S.No.86 of 2012 on the file of the II Assistant Judge, City Civil Court, Chennai. The respondent herein is the defendant in the said suit. The suit was filed for mandatory injunction to remove the encroachment made by the respondent herein.

2. The revision petitioner/plaintiff filed an application in I.A.No.5204 of 2015 in O.S.No.86 of 2012 under Order 11 Rule 15 CPC seeking for a direction to the respondent to produce the original allotment survey plan issued by the Slum Clearance Board for his property bearing D.No.8A, comprising in R.S.No.1845/1, Block No.31, an extent of 0.76.0 Sq.M at Meenambal Nagar, Korukkupet Village, failing which to permit the petitioner to mark the photo copy of the said survey plan to be marked as secondary evidence.

3. The learned Trial Judge by an order dated 29.06.2015 rejected the application in I.A.No.5204 of 2015 in O.S.No.86 of 2012 and the present Civil Revision Petition is preferred against the aforesaid order.

4. Heard the learned counsel appearing for the petitioner.

5. In my considered view, Order 11 Rule 15 CPC cannot be invoked in these circumstances of the case, as it relates to the inspection of the documents referred to in the pleadings or affidavits. The purpose of the petitioner is to bring on record the survey plan dated 10.04.2003 issued by the Tamil Nadu Slum Clearance Board for Door No.8A, comprising in R.S.No.1845/1, Block No:31, an extent of 0.76.0 Sq.M at Meenambal Nagar, Korukkupet Village.

6. According to the petitioner, he is not in possession of the survey plan and it is in the possession of the respondent. However, the respondent had denied the possession of the Survey plan.

7. In these circumstances, I am of the view that the revision petitioner should have sought for a direction to the Tamil Nadu Slum Clearance Board to produce the document by filing appropriate application in the manner known to law.

8. Hence, I am not inclined to interfere with the order dated 29.06.2015 made in I.A.No.5204 of 2015 in O.S.No.86 of 2012. Consequently, the Civil Revision Petition is dismissed. Connected miscellaneous petition is closed. No costs.

9. However, this will not preclude the revision petitioner to approach the Trial Court with appropriate application to issue appropriate direction to the Tamil Nadu Slum Clearance Board to produce the Survey plan mentioned above.

Sd/-
सत्यमेव जयते

Assistant Registrar(CO)

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Sub Assistant Registrar

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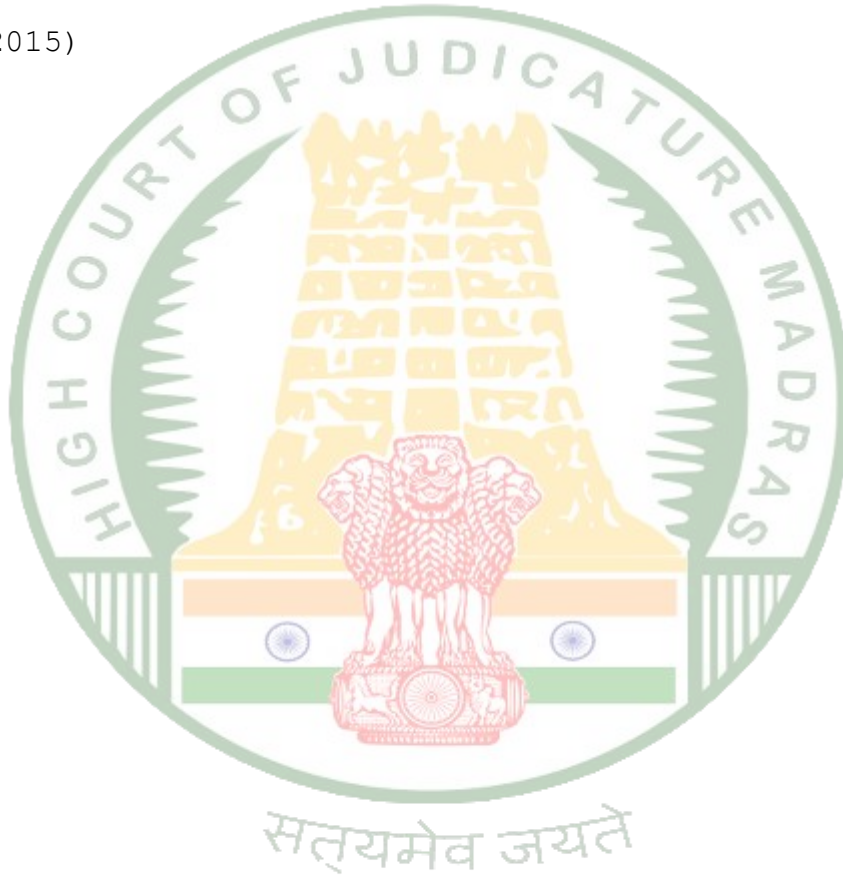
To

The learned II Assistant Judge,
City Civil Court,
Chennai.

+1cc to M/s.C.Nithysh Sekar, Advocate, S.R.No.42990

C.R.P.No.3297 of 2015

RJ (CO)
CA (04/09/2015)



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