

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2015

CORAM

THE HONOURABLE MS.JUSTICE R.MALA

CRP (PD).No.4219 of 2015

and

M.P.No.1 of 2015

P.Santhi

.. Petitioner

Vs

1.Murugan

2.Tamil Nadu State Election Commission,
Represented by State Election Commissioner,
No.208/02, Jawaharlal Nehru Road,
Arumbakkam, Chennai.

3.The District Collector,
Thiruvarur District, Thiruvarur.

4.The Block Development Officer,
Kudavasal Panchayat Union,
Kudavasal TK, Tiruvarur District.

5.Baskaran.

.. Respondents

Prayer:Civil Revision Petition filed under Article 227 of the Constitution of India, to allow I.A.No.646 of 2014 in Election O.P.No.6 of 2011 on the file of Principal District Court, Thiruvarur.

For Petitioners : Mr.K.Harishankar

ORDER

Challenging the impugned order dated 18.03.2015 made in I.A.No.646 of 2014 in Election O.P.No.6 of 2011 on the file of the Principal District Court, Thiruvavarur dismissing the application filed under Order 75 Rule 10 of Civil Rules and Practice and Section 151 of CPC.

2.Heard the learned counsel appearing for the petitioner and perused the typed set of papers.

3.The 4th respondent/returning candidate/petitioner herein filed an application in I.A.No.646 of 2014 under the Provisions of Order 75 Rule 10 of Civil Rules and Practice and Section 151 of CPC to send for the documents from the Election Officer. After contest, the said application was dismissed stating that the documents are with the Revenue Divisional Officer and the petitioner can very well summon the witness with the direction to produce the documents and without doing so, the petitioner has filed the application to send for the documents. The Trial Court has rightly held that once the petitioner's side evidence has been completed and when the case was posted for respondents' side evidence, the said application has been filed. As already stated the documents are with the Revenue Divisional Officer and if the

petitioner want the documents, he may very well summon the witness with the direction to produce all the relevant documents and instead of that, he filed this petition which is not maintainable. Hence, the Civil Revision Petition deserves to be dismissed as not maintainable.

5. In the result, the Civil Revision Petition is dismissed. However, it is left open to the petitioner to summon the witness with the direction to produce the documents and depose about the same. No costs. Consequently, connected Miscellaneous Petition is closed. No costs.

26.11.2015

Index: Yes/No
Internet: Yes/No
cse

To

The Principal District Court, Thiruvavarur.

R.MALA. J.,

cse

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