



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.DEVADASS

C.R.P.PD. (MD)No.1913 of 2015

and

M.P. (MD)No.1 of 2015

WEB COPY

S.Mariyappan

... Petitioner/Petitioner/Defendant

Vs.

G.Raj

... Respondent/Respondent/Plaintiff

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order passed in I.A.No.572 of 2015 in O.S.No.139 of 2012 dated 24.06.2015 on the file of the District Munsif Court, Kovilpatti.

For Petitioner : Mr.V.Perumal

For Respondent : No appearance

ORDER

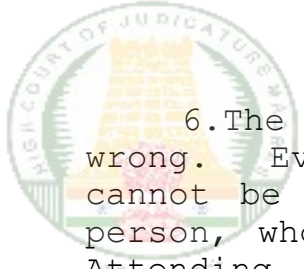
As of a narrow point is involved, we shall dispose of this C.R.P. today the admission stage itself.

2.This C.R.P. arises out of dismissal of send for petition in I.A.572 of 2015 in O.S.No.139 of 2012 on the file of the learned District Munsif, Kovilpatti .

3.The respondent / plaintiff instituted the suit in O.S.No.139 of 2012 for declaration and for consequential injunction. The defendant / revision petitioner filed written statement resisting the suit.

4.The house site in question is stated to have been allotted by Special Thasildar, Adi Dravidar Welfare and necessarily there shall be assignment order, field map and patta. These documents becomes important documents in this case. In circumstances, the defendant filed I.A.No.572 of 2015 to send for those documents and mark them through a competent witness. The plaintiff opposed this application.

5.The Trial Court lost grip of the matter. The Trial Court went astray. In a send for petition, what the Court has to see is whether really those documents are relevant, required and are available of documents. Whether it is a delaying tactics. The Trial Court dismissed the I.A. on the ground that the defendant is a tricky man. The Trial Court also considered that the Special Deputy Collector, Kovilpatti, Adi Dravidar Welfare is a very important person and such a person should not be called to the Court.



6.The said approach of the learned District Munsif is totally wrong. Everyone is important in this world. Even a beggar, we cannot be belittled. Nobody should be placed above the law. A person, who has been summoned to the Court must attend the Court. Attending the Court in response to Court's summons is duty of a person. Whether he is a peon or a Deputy Collector, who ever he may be, all are equal before law. The learned District Munsif need not have belittled his position. He is power and statue Judge, administering justice. Many people like to become a Judge, but, only fortunate are make it. But, it is a God's mission. Dispensation of justice is divine function and it is exercise of sovereign power. Thus, a Judge cannot be compared with others. A Presiding Officer is expected to give due respect to everyone but, no special respect to anyone. In the circumstances, the learned District Munsif, Kovilpatti will review his view.

7.In the circumstances, the impugned order of the Trial Court passed in I.A.No.572 of 2015 is set aside. The send for petition stand allowed. The Trial Court will issue summons to produce documents and introduce them in evidence through competent witness, but subject to proof and relevancy. Accordingly, this C.R.P.is allowed. No costs. Consequently, connected M.P.is closed.

Sd/-

Assistant Registrar(Record)

/True copy/

Sub Assistant Registrar

nbj
To

1.The Principal District Judge, Tuticorin.

2.The District Munsif, Kovipatti.

+1cc to Mr.V.Perumal, Advocate SR NO.52589

C.R.P.PD. (MD)No.1913 of 2015
08.09.2015

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