

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

C.R.P.(P.D.) No.1899 of 2015

A.Rajamanickam

...Petitioner/Plaintiff

versus

1.P.Manickam
2.Singaravelan
3.Ramasamy
4.K.Venkatachalam

...Respondents/Defendants 5 to 8

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 02.08.2014 made in I.A.No.480 of 2014 in O.S.No.169 of 2012 on the file of the Principal District Munsif Court, Tiruchengode.

For Petitioner : Mr.Doraisamy

For Respondents : No Appearance

ORDER

The petitioner filed an application before the Principal District Munsif, Tiruchengode, to direct the respondents to produce the documents referred to in the written statement failing which, to pass an order to the effect that it will not be permissible to use those documents as evidence on their side. The application was dismissed by the Trial Court. Feeling aggrieved by the said order of dismissal, the petitioner in I.A.No.480 of 2014 is before this Court.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondents.

3. The suit in O.S.No.169 of 2013 was instituted by the petitioner for injunction. The defendants in the written statement made a reference about an order passed by the Block Development Officer on 10.04.2012 and the report submitted by the learned Advocate Commissioner in another suit. Though a reference was made to those documents, the respondents have not produced it. When notice was issued to the respondents to

produce the documents they have pleaded that they are not in possession of the documents.

4. When it is made out that the respondents are not in possession of the documents, the Court cannot direct them to produce with a rider clause that in case the documents are not produced now they will not be entitled to produce it at a later point of time. The Trial Court has rightly dismissed the interlocutory application taking into account the contention taken by the respondents that they are not in possession of the documents. I do not find any error, illegality or infirmity in the order.

5. The Civil Revision Petition is dismissed. No costs.

27.09.2016

Index:Yes/No
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To

1. The Principal District Munsif Court,
Tiruchengode

K.K.SASIDHARAN, J.

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