

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(NPD).No.3092 of 2015

Rajamani

... Petitioner

Vs.

1.Malarkodi

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India for directions to issue the certified copies of the judgment and decree in A.S.No.48 of 2004 on the file of the III Additional Subordinate Judge, Coimbatore.

For Petitioner : Mr.C.R.Prasanan

ORDER

The respondent in A.S.No.48 of 2004 on the file of the Subordinate Court, Coimbatore has filed the above Civil Revision Petition to direct the III Additional Subordinate Judge, Coimbatore to issue certified copies of the judgment and decree dated 31.01.2005 passed in A.S.No.48 of 2004.

2.The learned counsel appearing for the petitioner submitted that though the petitioner had applied for the certified copies of the judgment and decree dated 31.01.2005 passed in A.S.No.48 of 2004 on 07.02.2005 itself, the Lower Appellate Court has not furnished the same yet.

3.Pursuant to the submissions made by the learned counsel for the petitioner, this Court called for a report from the III Additional Subordinate Judge, Coimbatore on 26.07.2016.

4.Pursuant to the orders of this Court, the III Additional Subordinate Judge, Coimbatore has submitted a report dated 05.08.2016 before this Court. In the report, the III Additional Subordinate Judge, Coimbatore has stated that the Copy Application was submitted by the respondent in the First Appeal on 07.02.2005 in Copy Application No.641 of 2005 and after making necessary entries in the “A” Register and “B” Register, the Copy Application has been handed over to the then concerned Clerk of the Court. But the Copy Application has not been complied by the Bench Clerk.

5.The learned counsel appearing for the petitioner submitted that the petitioner requires the certified copies of the judgment and decree passed in A.S.No.48 of 2004 for filing of the Second Appeal before this Court.

6.From the report of the III Additional Subordinate Judge, Coimbatore, it is clear that the Copy Application is kept pending for more than eleven years without furnishing the copies to the petitioner. The III

Additional Subordinate Court cannot keep the Copy Application for more than a decade without furnishing the same to the parties.

7. In these circumstances, I direct the III Additional Subordinate Judge, Coimbatore to furnish the certified copies of the judgment and decree dated 31.01.2005 passed in A.S.No.48 of 2004 to the revision petitioner within ten days from the date of receipt of a copy of this order and report the compliance of the same to the Registry of this Court.

8. With these observations, the Civil Revision Petition is disposed of.
No costs.

Index : No
Internet : Yes
va

19.08.2016

Note: (i) Issue order copy today itself.

(ii) The Registry is directed to call for explanation from the III Additional Subordinate Judge, Coimbatore for keeping the Copy Application for more than eleven years without furnishing the certified copies of the judgment and decree to the party.

(iii) The III Additional Subordinate Judge, Coimbatore may be directed to give his explanation within two weeks.

M.DURAIWAMY,J.
va

To

The III Additional Subordinate Judge,
Coimbatore.

C.R.P.(NPD).No.3092 of 2015

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