

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2016

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THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

C.R.P.[PD] No.1292 of 2016

and

C.M.P.No.7231 of 2016

Elumalai

... Petitioner

Vs

1. Sundaramurthi

2. N.Kanagasabai

3. The Commissioner for Panchayat Union,
Office of the Panchayat Union,
Ulundurpet Taluk,
Villupuram District

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 17.03.2016 passed in I.A.No.326 of 2016 in O.S.No.342 of 2010 by the Hon'ble Principal District Munsif at Ulundurpet.

For Petitioner : Mr.G.Ilamurugu

ORDER

This Civil Revision Petition has been filed against the order of the trial Court dated 17.03.2016 made in I.A.No.326 of 2016 in

O.S.No.342 of 2010 on the file of the trial Court, namely, the Court of the Principal District Munsif, Ulundurpet.

2. The plaintiff in the said suit is the petitioner herein. He has filed the suit for a bare injunction not to disturb his alleged peaceful possession and enjoyment of the suit property and also restraining the defendants from putting up a concrete house as per the scheme of the Government.

3. The suit is resisted by the first respondent. The trial in the suit commenced and as many as seven witnesses were examined on the side of the plaintiff. Thereafter, he filed the above said application for issuance of summons to the Superintendent, Government Archives, Chennai for the production of Chitta, Adangal and 'A' Register regarding the suit property relating to the year 1925. The said prayer has been made on the basis of the averment in the affidavit that the said document are said to be not available in the office of the Tahsildar, Ulundupet or in the office of Tahsildar, Thirukovilur and that they are said to be available in the Government Archives, Chennai.

4. The documents in the Government Archives cannot be moved and if at all the petitioner wanted a copy of the same he could have very well applied for a search and for supply of certified copies of the same. Without doing it, the petitioner has chosen to file the said application seeking issuance of summons to the Superintendent, Government Archives, Chennai. The said application also came to be made after examination of as many as seven witnesses. The said attempt seems to be one at prolonging the case and preventing the first defendant from availing the benefit of the Government scheme for building concrete houses for the weaker sections of the society. Further, nothing has been mentioned either in the affidavit or in the petition as to what is the relevancy of the documents and for what purpose they are sought to be produced.

5. In addition, the petition seems to be filed under Order XVI Rule 1 C.P.C. Sub Clause (2) of Rule 1 makes it clear that the purpose for which the witness summons is sought to be issued and the purpose for which the production documents is prayed for. As the petition does not contain the list of documents and it does not state the reasons for seeking such production. The order of the trial Court dismissing the said application cannot be said to be either

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defective or erroneous. In addition, when certified copies can be applied for and obtained, asking the Court to issue summons to the public authorities for the production of such documents, shall not be proper. Therefore, this Court comes to the conclusion that there is no substance in the revision and the same deserves dismissal at the threshold.

6. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

27.04.2016

Index: Yes/No

Internet: yes/No

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To

The Principal District Munsif,

Ulundurpet.

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