

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2016

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

C.R.P.(PD) No.1919 of 2016
and
C.M.P.No.9998 of 2016

R.Subbarayan
Petitioner

...

vs.

1.Mitheles Sharma
2.Janaki
3.Kowsal Kumar
Respondents

...

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 13.01.2015 in I.A.No.329 of 2014 in O.S.No.86 of 2011 on the file of the Subordinate Judge, Madurantakam.

For Petitioners : Mr.P.Valliappan

For Respondents : Mr.S.Vinoth Kumar

ORDER

The petitioner filed a suit against the respondents on the strength of a promissory note. The respondents denied the

execution

of the promissory note. The matter was taken up for evidence. After conclusion of evidence, the petitioner filed an Application to direct the respondents to produce certain documents. The Application was dismissed by the learned trial Judge primarily on the ground that the respondents were not in possession of the documents. Feeling aggrieved, the petitioner is before this Court.

2. The suit was filed in the year 2011. Written statement was filed way back on 22.3.2012. The petitioner has not taken any effort initially to send the suit document for comparison. In the counter affidavit filed in I.A.No.329 of 2014, the respondents have taken up a contention that they were not in possession of the admitted signature of the executant of promissory note. When parties have taken a specific stand that they are not in possession of the documents in question, there is no question of compelling them to produce the documents. This aspect was considered by the learned trial Judge and the Application was rightly dismissed. I do not find any error or illegality in the said order warranting interference by exercising the revisional jurisdiction under Article 227 of the

Constitution of India.

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

Connected Miscellaneous Petition is closed.

23.09.2016

Index : yes / no

Internet :yes / no

asvm

Copy to :

The Subordinate Judge,

Madurantakam.

K.K.SASIDHARAN, J.

(asvm)

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