

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.11.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.2739 of 2016 and
CMP.No.14092 of 2016

R.Dhanaraj

...Petitioner

versus

R.Rajamani

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 30.06.2016 passed in I.A.No.675 of 2016 in O.S.No.6736 of 2006 by the learned V Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.S.Giritharan

For Respondent : Mr.N.A.Kareem for
M/s.N.A.Kareem and Robert

ORDER

The respondent filed an application in I.A.No.675 of 2016 to direct the petitioner herein to produce three documents. The application was allowed by the Trial Court taking into account the counter affidavit filed by the petitioner and his evidence as D.W.1. The order is now under challenge at the instance of the respondent in I.A.No.675 of 2016 on the ground that he is not in possession of the original of the Sale

Deed dated 23.06.2003.

2. The learned counsel for the petitioner contended that the petitioner is not in possession of the document dated 23.06.2003 and as such, the Trial Court was not correct in directing him to produce the said document.

3. I have also heard the learned counsel for the respondent.

4. The order passed by the Trial Court indicates that in the counter affidavit filed by the petitioner, there was no statement to the effect that he is not in possession of the original document. Even while examined as D.W.1, the petitioner stated that he is prepared to produce the original of the document. Such being the factual position, the petitioner is not correct in his contention at this point of time that he is not in possession of the original of the Sale Deed dated 23.06.2003. The present attempt is clearly an after thought. I am therefore of the view that absolutely, there is no merit in the contention taken by the petitioner.

5. In the up shot, I dismiss the Civil Revision Petition. No costs.

Consequently, connected miscellaneous petition is closed.

07.11.2016

Index : Yes/No
svki

To

The V Assistant City Civil Court,
Chennai.

K.K.SASIDHARAN, J.

(svki)

C.R.P.(P.D.) No.2739 of 2016

07.11.2016

<http://www.judis.nic.in>