



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2016

CORAM

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P. (MD) .No.400 of 2016(PD)

and

C.M.P. (MD) .No.1762 of 2016

V.Murugasan

... Petitioner

Vs.

1.V.M.Jayalakshmi

2.Murugesan

3.The Sub-Registrar

Sattur Sub-Registrar Office,

Virudhunagar District.

... Respondents

Civil Revision Petition is filed under Article 227 of the Constitution of India against the order passed in I.A.No...../2015(memo) in O.S.No.104 of 2013 dated 16.10.2015 by the learned Distirct Munsif, Sattur, Virudhunagar District.

For Petitioner

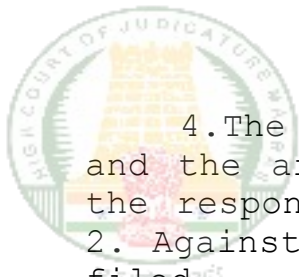
:Mr.R.Mohamed Rajapdheen

ORDER

This Civil Revision Petition has been filed to set aside the order passed in I.A.No...../2015(memo) in O.S.No.104 of 2013 dated 16.10.2015 by the learned Distirct Munsif, Sattur, Virudhunagar District.

2.The petitioner is the plaintiff and the respondents are the defendants in the suit in O.S.No.104 of 2013 on the file of the District Munsif Court, Sattur. The petitioner filed a suit for injunction. When the proceedings are pending, the first and second respondents filed memo seeking for a direction to direct the petitioner to produce two original sale deeds dated 26.11.2010 and 11.02.2011, which are in possession of the petitioner.

3.The petitioner filed an objection to the said memo stating that the relief sought for in the suit, is not based on the said documents and therefore, they are not necessary to decide the issue. The respondents ought to have filed a petition under Order 11 Rule 14 of C.P.C for production of documents. The respondents have not followed the procedure. Therefore, he prayed for



4.The learned Judge, after considering the facts of the case and the arguments of the learned counsel for the petitioner and the respondents, allowed the memo filed by the respondents 1 and 2. Against the said order, the present Civil Revision Petition is filed.

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5.The learned counsel appearing for the petitioner submitted that the learned Judge erred in accepting the memo and directed the petitioner to produce the document which are not connected with the issue in the suit. The respondents have not given any reason for the production of the two sale deeds to decide the issue in the suit. The respondents have not followed any procedure for production of documents.

6.Heard the learned counsel appearing for the petitioner and I have carefully perused the entire materials on record.

7.The respondents have sought for two sale deeds alleging that the first respondent has purchased the properties by two sale deeds. The petitioner has not stated any reason for his unwillingness to produce the same before the trial Court. The petitioner has taken a technical objection only for not willing to produce the documents that the respondents have not followed the procedure as contemplated in law. This will not be the reason for rejecting the request of respondents. In the circumstances, the learned Judge has correctly dealt with the matter and allowed the memo and therefore, there is no illegality and irregularity in the said order and it does not warrant any interference by this Court.

8.In the result, the civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

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To

The Distirct Munsif, Sattur, Virudhunagar District.

+1CC to Mr.R.Mohamed Rajapadheen Advocate Sr.No.9553
GJM/AN/MP/28.4.16-2p-3c

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