



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2016

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P. (MD) .No.440 of 2016 (PD)

and

C.M.P. (MD) .No.1901 of 2016

Rajkumar ... Petitioner/Petitioner/2nd Defendant
Vs.

Krishnaveni ... Respondent/Respondent/Plaintiff

Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair order and decretal order dated 12.01.2016 passed in I.A.No.6 of 2016 in O.S.No.140 of 2010 on the file of the Principal District Court, Virudhunagar at Srivilliputhur.

For Petitioner	:Mr.S.Natarajan
For Respondent	:Mr.G.Aravinthan for M/s.Subbiah for Caveator

ORDER

The petitioner is the second defendant and the respondent is the plaintiff in the suit. The respondent has filed a suit in O.S.No.140 of 2010 for partition. The petitioner filed I.A.No.6 of 2016 for direction to the Commissioner Aruppukottai Municipality, Aruppukottai Thasildar and Thirusuli Thasildar to produce the documents mentioned in the petition.

2.According to the petitioner, these documents are necessary to prove his exclusive possession of the suit property. The learned counsel for the respondent made an endorsement on the petition that these documents are not necessary and all the documents must be with the petitioner, who claims exclusive possession and ownership. The learned counsel for the petitioner prayed to treat the endorsement as counter in I.A.

3.The learned Judge, after considering all the materials and also facts and circumstances of the case, dismissed the application filed by the petitioner. Against the said dismissal order, the present Civil Revision Petition is filed.



4.The learned counsel for the petitioner submitted that all these documents are necessary to prove the possession of the petitioner. To obtain certificate copies of the documents from the concerned authority, it will take considerable time and will delay the trial of the suit. The petitioner is not having these documents with him and therefore, he filed I.A. He further submitted that the respondent took time for cross examining the petitioner from 17.12.2013 to 18.09.2015 and he is only adopting delaying tactics during the trial.

5.Heard Mr.S.Natarajan, learned counsel appearing for the petitioner and Mr.G.Aravinthan for M/s.Subbiah learned counsel appearing for caveator and I have carefully perused the entire materials on record.

6.The documents sought for by the petitioner can be obtained by him from the concerned authority and can be produced as evidence. The documents which are sought to be produced by the officials relates to the construction of house, patta and adangal. The learned Judge, considering the nature of the documents sought for by the petitioner, has held that the same is to be produced by the petitioner himself and dismissed the application. Therefore there is no illegality and irregularity in the said order, which does not warrant any interference by this Court.

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

Sd/-

Assistant Registrar(CO Dept)

/True Copy/

Sub Assistant Registrar

To
The Principal District Court,
Virudhunagar, Srivilliputhur.

+1cc to Mr.S.Subbiah, Advocate Sr.No.10753
ns
AA/NGM-SS/03.03.2016/2p-3c

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