

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2017

CORAM:

THE HONOURABLE Ms.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.1480 of 2017
& C.M.P.No.6861 of 2017

Vatsala

.. Petitioner

Vs.

Saleena

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 09.02.2017 in I.A.No.66 of 2017 in O.S.No.21 of 2013 on the file the Additional District Munsif, Villupuram.

For Petitioner : Mr.C.Munusamy

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order dated 09.02.2017 in I.A.No.66 of 2017 in O.S.No.21 of 2013 on the file the Additional District Munsif Court, Villupuram.

2. The petitioner is the defendant and the respondent is the plaintiff in O.S.No.21 of 2013. The respondent filed O.S.No.21 of 2013 for declaration and injunction restraining the petitioner from interfering with the peaceful possession and enjoyment of the property.

3. The petitioner has filed written statement in the year 2013 and is contesting the suit, trial commenced. The husband of the respondent was examined as PW1, through him Ex.P3, which was issued by the Revenue Divisional Officer. In the cross examination, PW1 has stated that Ex.P3 was issued on the petition dated 15.06.2010 by the respondent and a copy of the petition is available with him.

4. The petitioner has filed an application in I.A.No.66 of 2017 in O.S.No.21 of 2013 for a direction to the respondent to produce a copy of the said application dated 15.06.2010. The respondent did not file any counter. But the counsel appearing for the respondent has made an endorsement that the petitioner can call for the original petition from the office of the Revenue Divisional Officer.

5. The learned Judge, considering the nature of the relief sought for by the petitioner and on perusing the materials available on record, dismissed the application holding that the petitioner has not given any reason to call for the petition dated 15.06.2010 and that the petitioner can call for the original petition from the office of the Revenue Divisional Officer. Against the said dismissal order, this Civil Revision Petition is filed.

6. Heard the learned counsel for the petitioner and perused the materials available on record.

7. I.A.No.66 of 2017 has been filed by the petition seeking a direction to the respondent to produce a copy of the petition dated 15.06.2010, given to the Revenue Divisional Officer. The petitioner has not stated any reason for the relevancy of such petition to decide the issue in the suit. It is the apprehension of the petitioner that the learned Judge can draw adverse inference against her. Further, it is always open to the petitioner to file a petition to call for the petition dated 15.06.2010 from the office of the Revenue Divisional Officer.

8. In the circumstances, there is no illegality or irregularity warranting interference by this Court in the order passed by the learned Judge, dated 09.02.2017.

9. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

21.04.2017

Index : Yes

dm/gya

To

The Additional District Munsif,
Villupuram.

V.M.VELUMANI, J.

dm/gya

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