

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE **PUSHPA SATHYANARAYANA.J**

C.R.P.P.D.No.4175 of 2014
and M.P.No.1 of 2014

G.Chandrasekar

.. Petitioner

-Vs-

G.Ramesh

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order passed in I.A.No.893 of 2014 in O.S.No.226 of 2011 dated 16.09.2014 on the file of the I Additional District Munsif, Salem.

For petitioner ... Mr.R.Neethi Perumal

For Respondent... Mr.D.Shivakumaran

O R D E R

The defendant is the revision petitioner challenging the order in allowing the application seeking permission to issue Court Certificate from the School Registers and books of both the parties.

2. The case of the plaintiff is that he is the son of Govindasamy Naidu and G.Santha, having his date of birth as 02.06.1960. The plaintiff and defendant joined in Bharathya Vidhyalaya High School on 06.06.2008. In order to prove his date of birth, this application is filed seeking to issue the Court Certificate with the petition mentioned School Registers and books of both the parties. In fact, in earlier I.A.No.363 of 2012, the learned District Munsif, Salem, by his order dated 27.06.2013, has observed that in order to prove the date of birth, it was open to the respondent / plaintiff to produce the School Certificate and Birth Certificate. Based on the same, the present application in I.A.No.893 of 2014 has been filed and the same is allowed by the learned District Munsif stating that in order to decide the date of birth, these certificates from the School are necessary and the production of such documents from the School, will not in any way prejudice the petitioner/defendant. Though the relief sought for in the suit is to declare that the plaintiff is the younger brother of the defendant, the production of these documents would atleast go to prove his date of birth. Hence, the learned trial Judge has allowed this application and no prejudice would be caused to the revision petitioner/defendant by the said order.

3. In view of the above observations, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

17.02.2017

srn

To

The I Additional District Munsif,
Salem.

PUSHPA SATHYANARAYANA.J

srn

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