

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.885 of 2017
and C.M.P.No.4360 of 2017

R.Thulasimani

... Petitioner

Vs.

1.Pushpa

2.Ranganathan

3.Mounasamy

4.Jagadesh

5.Gobi Krishnan

6.Shantha

7.The Coimbatore Municipal Corporation,
Big Bazar Street, Coimbatore.

8.Local Planning Authority Tata Board,
Sivananda Colony, Coimbatore.

9.The Assistant Director of Survey and
Land Records,
Coimbatore.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and final order dated 22.11.2016 made in I.A.No.1136 of 2016 in O.S.No.80 of 2005 on the file of the III Additional District Munsif Court, Coimbatore.

For Petitioner : Mr.K.S.Karthik Raja

ORDER

Challenging the fair and final order passed in I.A.No.1136 of 2016 in O.S.No.80 of 2005 on the file of the III Additional District Munsif Court, Coimbatore, the plaintiff has filed the above Civil Revision Petition.

2.The plaintiff filed the suit in O.S.No.80 of 2005 for declaration and permanent injunction.

3.The defendants filed their written statement and are contesting the suit. Subsequently, the plaintiff took out an application in I.A.No.1136 of 2016 under Order 11 Rule 14 of the Civil Procedure Code to direct the defendants 1 to 6 to produce the petition mentioned documents, which were referred in the written statement. The defendants filed their counter and opposed the petition. The trial Court, taking into consideration the case of both parties, dismissed the petition, finding that the defendants cannot be compelled to produce the documents and if the defendants failed to produce the documents during the trial, the trial Court can only draw adverse inference against the defendants.

4.It is settled position that the plaintiff should succeed in the suit on the strength of his case and not on the weakness of the other side. A party

to the proceedings cannot compel the other party to produce the documents. It is for the defendants to decide whether to produce the document on his side or not. Therefore, the defendants cannot be compelled to produce the documents even prior to the commencement of the trial. Taking note of all these aspects, the trial Court has rightly dismissed the petition.

5.I do not find any error or irregularity in the order passed by the trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

14.03.2017

To

The III Additional District Munsif Court,
Coimbatore.

M.DURAIWAMY,J.
va

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