

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.04.2017**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No. 2095 of 2013 and
MP.No.1 of 2013

1. Suresh @ Krishna
2. Chandrasekaran
3. Minor Sambasivam,
rep. by his father and guardian
first petitioner Suresh @ Krishna

...Petitioners

Vs

1. Jayalakshmi
2. Manager,
Indane Area Office,
Indian Oil Corporation,
2, Race Course Road, Chokkikulam,
Madurai -2.

...Respondents

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India as against the fair and decreetal order dated 03.02.2012 made in I.A.No.164 of 2010 in O.S.No.1 of 2008 on the file of the Sub Court, Mannargudi.

For Petitioners : Mr.S.Sounthar
For Respondents : No appearance

ORDER

The petitioners initiated proceedings to punish the respondents for non production of the documents called for by the trial Court. The application was dismissed by the learned Subordinate Judge, Mannargudi. Feeling aggrieved, the petitioner is before this Court.

2. Heard the learned counsel for the petitioners. None appears on behalf of the respondent.

3. The petitioner filed an application in I.A.No.164 of 2010 with a grievance that notwithstanding the direction issued by the trial Court for production of documents, there was no response from the second respondent. The trial Court found that there was no mention in the letter produced by the second respondent and marked as Ex.X1 that the Corporation is in possession of the records. There is nothing on record to indicate that the second respondent on an earlier occasion admitted that the document is in the custody of the Corporation and the same would be produced before the Court. When there are no documents to substantiate the contention that the document is still in the possession of the second respondent and he failed to produce, the trial Court was correct in dismissing the application filed to initiate contempt proceedings. I am therefore, of the view that there is no merit in the contentions raised by the petitioner.

In the upshot, I dismiss the civil revision petition. No costs. Consequently, connected miscellaneous petition is closed.

03.04.2017

Gms

To

The Sub Court, Mannargudi.

K.K.SASIDHARAN,J.

gms

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