



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2017

WEB COPY

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.2509 of 2017
and C.M.P. (MD) No.11799 of 2017

P.Wilson ... Revision Petitioner/Petitioner/
Respondent

Vs.

Paul Raj ... Respondent/Respondent/Petitioner

PRAYER: This Civil Revision Petition is filed under Article 227 of Constitution of India as against the fair and decreetal order dated 15.09.2017 passed in I.A.No.241 of 2017 in M.C.O.P.No.64 of 2012 on the file of the Sub-Court, Padmanabhapuram, Kanyakumari District.

For Petitioner : Mr.R.Nandakumar

ORDER

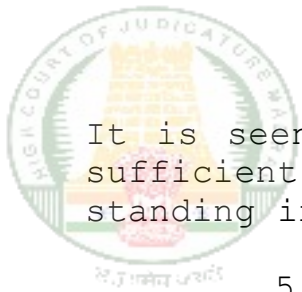
This Civil Revision Petition has been filed as against the fair and decreetal order dated 15.09.2017 passed in I.A.No.241 of 2017 in M.C.O.P.No.64 of 2012 on the file of the Sub-Court, Padmanabhapuram, Kanyakumari District.

2.The learned counsel for the petitioner submits that the petitioner is in possession of R.C. Book and he is ready and willing to produce R.C book and if one opportunity is given, he will produce R.C. Book before the Court.

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

4.The learned Subordinate Judge, Padmanabhapuram, Kanyakumari District, has observed in his order as follows:

'The production of R.C. Book itself is enough to show that who was real owner at the time of accident. But the petitioner/R2 is attempting to fish out evidence on his side without production of the real R.C. Book. In such circumstances, the court feels that the petition is devoid of merits and is liable to be dismissed'.



It is seen that the petitioner has not produced R.C book though sufficient time is given for him to produce the current R.C book standing in his name and hence, the petition was dismissed.

5. Considering the submission of the learned counsel for the petitioner that he is ready to produce original R.C. book, this Court is of the view that ends of justice would be met if a direction is issued to the petitioner to produce R.C book within a time frame and on failure to produce within such time, the petition shall stand automatically dismissed.

6. In view of the above, the order passed in I.A.No.241 of 2007 in M.C.O.P.No.64 of 2012 is set aside and the matter is remanded back to the file of the Subordinate Court, Padmanabhapuram, Kanyakumari District. On production of the copy of this order, the said court shall give one week time to the petitioner to produce R.C book and on receipt of R.C book, the lower court shall decide I.A.No.241 of 2007 afresh on its own merits within a period of four weeks thereafter.

7. In the result, this Civil Revision Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Padmanabhapuram,
Kanyakumari District.

CM

TE/SKN-RSK/SAR-4 : 05/02/2018 : 2P/2C

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