



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2017

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CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

CRP(MD)No.906 of 2017

Krishnakumar

...Petitioner/Petitioner/Respondent

-Vs-

Narmadha

...Respondent/Respondent/Petitioner

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed in I.A.No.21 of 2017 H.M.O.P.No.57 of 2016 on the file of Subordinate Judge, Virudhunagar dated 06.02.2017.

For Petitioner	: Mr.M.Ashok Kumar
For Respondent	: Mr.G.Mariappan

ORDER

This revision petition is directed against the dismissal of the application filed under Order 11 Rule 16 and Section 151 of CPC., by the respondent for production of documents. The trial Court after considering the contention of the revision petitioner as well as the respondent, dismissed the application on the ground that the revision petitioner has not explained the relevance of the documents sought to be produced with the issues to be decided in H.M.O.P. Further, the documents sought to be produced by the respondent are not with her. In the absence of relevancy of the documents sought to be produced there is no error in the order of the trial Court dismissing the application.

2.If the revision petitioner satisfies the relevancy of the documents sought to be produced and proves if possession with his adversary, then the burden is on the respondent to disprove the same. Only thereafter, if the respondent failed to produce documents Court can draw adverse inference against the person who is holding the documents.

3.In this case, the revision petitioner has neither satisfied the burden of proving that the document is with respondent.



4. Therefore, the this Court finds no merit in this revision petition. Hence, this Civil Revision Petition is dismissed. No costs.

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/True Copy/

Sd/-

Assistant Registrar (C.O)

Sub-Assistant Registrar

To

The Subordinate Judge,
Virudhunagar.

+One cc to Mr.M.Ashok Kumar, Advocate, SR.No.61305

+One cc to Mr.G.Mariappan, Advocate, SR.No.61101

mm/cmr

RL/4C/2P/JC/SAR1/2/8/2017

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