



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2017

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P(PD) (MD)No.907 of 2017

and

C.M.P. (MD). No.3974 of 2017

Dr.Meena

.. Petitioner/Petitioner/Plaintiff

Vs.

1.R.Venkatachalam,  
2.Srikanth,  
3.Nagarajan,  
4.Seethalakshmi,  
5.Srihari,  
6.City Union Bank,  
Rep. by its Branch Manager,  
Cantonment Branch,  
Bharathidasan Salai, Trichy - 1

.. Respondents/Respondents/Defendants

Prayer: This Civil Revision Petition is filed under Section 227 of Constitution of India to allow the above Civil Revision Petition to set aside the fair and decretal order dated 02.04.2016 made in I.A.No.361 of 2015 in O.S.No.23 of 2013 on the file of the Third Additional District and Sessions Judge, Tiruchirapalli.

For Petitioner : Mr.K.Prabhakar

O R D E R

The Civil Revision Petition has been filed against the fair and decretal order dated 02.04.2016 made in I.A.No.361 of 2015 in O.S.No.23 of 2013 on the file of the Third Additional District and Session Judge, Tiruchirapalli.

2.The plaintiff in O.S.No.23 of 2013 has resorted to Order XII Rule 8 and Section 151 of the Code of Civil Procedure for production of document by way of filing an Interlocutory Application No.361 of 2015. The Trial Court, considering the plea being filed for partition, the Power of Attorney which is alleged to have been executed by the plaintiff in favour of D.1 and D.2,



has no significance and therefore, the refusal to produce the document or seeking production of the document is not maintainable by law.

3. This court finds that if the real intention of the revision petitioner is to seek production of the original document and to draw adverse inference, in case adverse party fails to produce the document, the procedure contemplated under Order XII Rule 2 of the Code of Civil Procedure should have been resorted. Instead, an Interlocutory Application has been filed. In the said proceedings, certain observations have been made by the Trial Court. No doubt, such observations may have some adverse impact in decision making. In the said circumstances, this Court is of the opinion that instead of resorting to the procedure as contemplated under Order XII, Rule 8 of the Code of Civil Procedure, the revision petitioner has filed an Interlocutory Application which is un-warranted and therefore, dismissal of the I.A. is legally sustainable. At the same time, any observation made in the said order adverse to the revision petitioner is eschewed.

4. Accordingly, the Civil Revision Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

/TRUE COPY/

Sub Assistant Registrar

To

The Third Additional District and  
Sessions Judge,  
Tiruchirappalli.

KM/MR

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