

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP (PD) No.1117 of 2018

B.Omprakash Varma ... Petitioner

-Vs-

1.Ragu Baskar

2.Mrs.Vijayalaksmi @ Rani

3.Mrs.K.P.Choodamani

4.Ms.R.S.Thembavani

5.R.S.Kameswaran

6.R.S.Yuvaneswaran

7.Ms.R.S.Panchami

8.Ms.Senghilakshmi

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair order and decretal order dated 13.12.2017 passed in E.A.S.R.No.72364 of 2017 in E.A.No.120 of 2015 in E.P.No.4502 of 2014 on the file of the X Assistant City Civil Court at Chennai.

For Petitioner : Mr.K.R.Mahesh

For R1 : Mr.T.Velumani

* * * * *

ORDER

This Civil Revision Petition is filed to set aside the fair and decretal order dated 13.12.2017 made in E.A.S.R.No.72364 of 2017 in E.A.No.120 of 2015 in E.P.No.4502 of 2014 on the file of the X Assistant City Civil Court, Chennai.

2.According to the petitioner, the petitioner has filed an application, E.A.S.R.No.72364 of 2017 in E.A.No.120 of 2015 in E.P.No.4502 of 2014 to direct the decree holder to produce the following original documents filed/marked by them in O.S.No.4646 of 2001: (i) Original Sale Deed dated 04.11.1977, executed by Mr.Abdul Khader Sahib in favour of Ms.Venkatemmal, marked as Ex.B1 in the suit; (ii) Original patta in the name of Chenju Lakshmi Santhakumari and Sivalingam dated 05.12.1996, marked as Ex.B4 in the suit; (iii) Original Legal Heir Certificate of Anthony Das, dated 09.03.2001, marked as Ex.B6 in the suit; (iv) Original School Record Sheet in the name of first Decree holder, marked as Ex.B7 in the suit; (v) Original

Death Certificate of Santhakumari, marked as Ex.B8 in the suit. But the aforesaid application was dismissed by the Court below.

3.The learned counsel appearing for the petitioner would submit that the petitioner being the third party, filed obstruction petition in the aforesaid application in E.A.No.120 of 2015. Therefore, the Court below has dismissed the said application which is contrary to law.

4.It is an admitted fact that the certified copies of the aforesaid documents have already been obtained by the petitioner and the same has been filed before the Executive Court. However, the petitioner wants to verify the original documents filed. The respondent submitted that the above said documents were available in the City Civil Court, Chennai. Therefore, it is for the petitioner to work out his remedy by filing an appropriate application before the Court below. Therefore, the petitioner having the remedy to seek for the perusal of the original documents, it is open to him to approach the Executive Court, by way of filing an appropriate application.

5.The learned counsel appearing for the respondents would submit that already certified copies of the documents were obtained by the petitioner. Therefore, the order of the Court below passed in E.A.S.R.No.72364 of 2017 is in accordance with law and there is no error or illegality in the order passed by the Court below.

6.In fine, the order passed by the learned X Assistant Judge, City Civil Court, Chennai in E.A.S.R.No.72364 of 2017 in E.A.No.120 of 2015 in E.P.No.4502 of 2014 dated 13.12.2017 is confirmed and consequently, the Civil Revision Petition is dismissed. No costs.

16.03.2018

Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

ah

To

The X Assistant Judge,
City Civil Court,
Chennai.

WEB COPY

D. KRISHNAKUMAR J.,

ah



CRP (PD) No.1117 OF 2018

WEB COPY

16.03.2018