

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2018

CORAM:

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

CRP(NPD).No.1122 of 2018
and CMP.Nos.5862 & 5863 of 2018

S.Dhanasekaran

.. Petitioner

Vs

Sri Veda Vinayagar Temple,
Rep by its Hereditary Trustee,
Nethaji Road, Manjakuppam,
Cuddalore-"Tk&Dist".

.. Respondent

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 04.12.2017 in passed in EA.No.534 of 2017 in EA.No.510 of 2017 in EP.No.170 of 2010 in OS.No.802 of 1990 on the file of the Hon'ble Principal District Munsif, Cuddalore.

For Petitioner : Mr.M.Arumugam

ORDER

The Civil Revision Petition is taken up for final disposal at the admission stage itself.

2. According to the revision petitioner, the revision

petitioner has filed an application in EA.No.534 of 2017 in EA.No.510 of 2017 in EP.No.170 of 2010 in OS.No.802 of 1990 on the file of the Principal District Munsif, Cuddalore to grant permission to examine the Assistant Commissioner, HR&CE, Cuddalore to produce the document or cause to be produced by the responsible officer in HR&CE with regard to subject matter of the EP and to give evidence in the aforesaid suit. The court below has dismissed the said application. Hence, the revision petitioner has filed the present Civil Revision Petition before this Court.

3. The learned counsel for the revision petitioner would submit that the present application has been filed to issue summons to the witness to prove that the respondent has not disclosed the correct fact with regard to the title of the suit property. Without considering the said contention, the court below has erroneously dismissed the application. Hence, the revision petitioner has filed the present Civil Revision Petition before this Court.

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

5. On perusal of the records, the revision petitioner has filed the application before the court below to issue summon to the witness under Order 16 Rule 7 of the Civil Procedure Code without stating sufficient reasons for issuing the summons and procedure as contemplated under the Civil Procedure Code. Hence, the application is liable to be dismissed. There is no error or illegality in the order passed by the court below. However, it is open to the revision petitioner to work out his remedy before the court below, if so advised and if it is permissible under law.

6. The Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

21.03.2018

Speaking/Non-Speaking order
 Index :Yes/No
 Internet:Yes/No
 lok
 Note: Issue order copy on 21.03.2018

D. KRISHNAKUMAR J.,

lok

To

The Principal District Munsif,
Cuddalore.



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