

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRP (PD)No.3239 of 2016
and CMP.No.16432 of 2016

K.V.Muralidharan

... Petitioner

Vs

1.The Commissioner,
Pallavaram Municipality,
Office at New Colony,
Chrompet, Chennai 600 044.
2.Mohmamed Noorudin

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair order dated 10.10.2015 made in I.A.No.293 of 2014 in O.S.No.322 of 1999 on the file of the Additional District Munsif Court, Alandur.

For Petitioner : Mr.N.Thiagarajan

For R1 : Mr.P.Srinivas

For R2 : No Appearance

ORDER

This civil revision petition has been filed to set aside the order dated 10.10.2015 passed in I.A.No.293 of 2014 in O.S.No.322 of 1999 on the file of the learned Additional District Munsif Court, Alandu.

2. According to the petitioner, the petitioner has filed the suit in O.S.No.322 of 1999 on the file of the learned Additional District Munsif, Alandur, seeking permanent injunction. In the aforesaid suit, the petitioner has filed the application in I.A.No.293 of 2014 in O.S.No.322 of 1999 to produce the survey records and town plan consisting of Pallavaram Street and Thenanthope street at Pallavaram pertaining to the schedule mentioned property and the same was dismissed by the Court below. Challenging the order of the Court below, the petitioner has filed the present civil revision petition before this Court.

3. The learned counsel for the petitioner would submit that the petitioner has filed the application to produce the certified copy of the document and the petitioner is not in a position to secure the aforesaid document. Therefore, the said application filed by the petitioner was dismissed by the Court below without appreciating the same.

4. The learned counsel for the first respondent would submit that the petitioner cannot compel the defendant to produce the document. It is for the petitioner to approach the authority concerned to obtain the document under the provisions of law. However, at the time of evidence, if any document is available, the same may be marked in the aforesaid suit.

5. In the light of the Judgment of this Court reported *in 2017 (2) LW 46, The Managing Director /s.V.V.d.& Sons P.Ltd., No.6/18, Casa major road, Egmore, Chennai 600 008 vs. Miss.Kajal Aggarwal*, in this case, the respondent cannot compel the petitioner to produce the document.

6. In the light of the above said facts and circumstances of the case and the decision cited supra, it is made clear that a party cannot compel the other party to produce the document.

7. In view of the above, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.02.2018

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-speaking Order

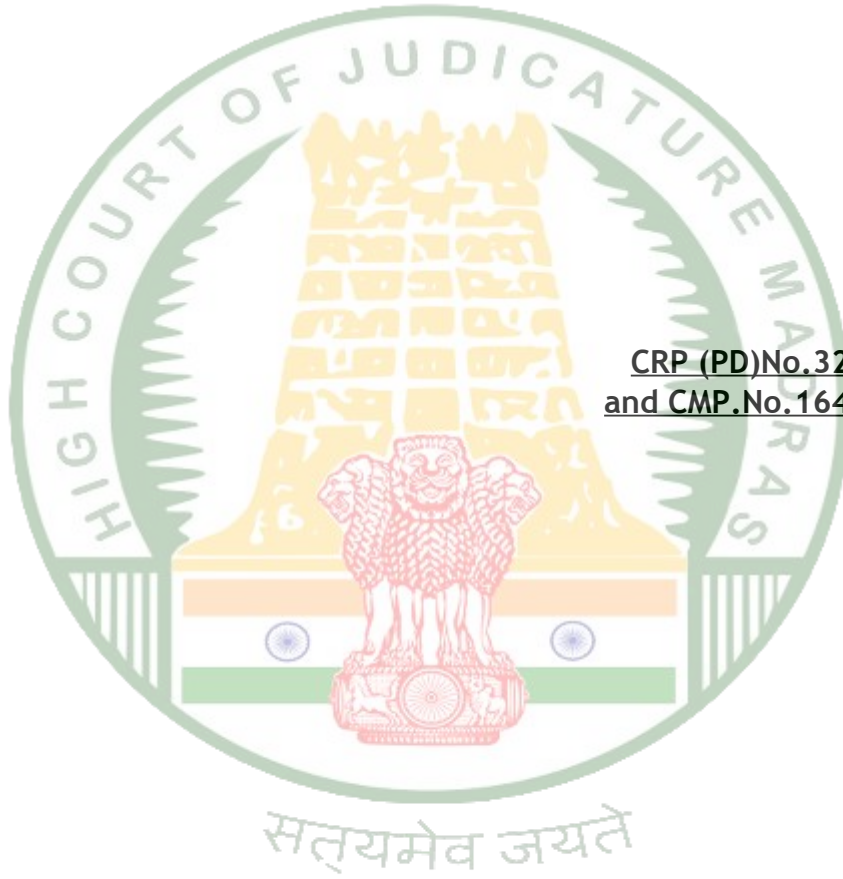
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To

The Additional District Munsif Court,
Alandur.

D.KRISHNAKUMAR,J.

kkd



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