



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:09.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P. (PD) (MD) No.777 of 2018

and

C.M.P (MD) .No.3440 of 2018

1.K.Maharajan

2.K.Sudalai

3.K.Thiru Selvan

... Petitioners/Petitioners

vs.

1.Sudalaikannu

2.Muniya Parvathy

3.Neela

4.Anbukarasi

5.Tamilarasi

6.Vanamamalai

... Respondents/Respondents

(3 to 5 respondents are set ex-parte before the Trial Court.)

PRAYER: Petition filed under Section 227 of Constitution of India, against the fair and decreetal order dated 24.01.2018 passed in I.A.No.1070 of 2017 in O.S.No.36 of 2012 on the file of the learned Sub Court, Valliyoor.

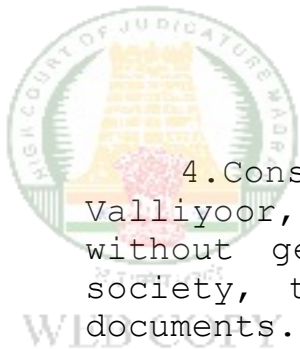
For Petitioner : Mr.D.Nallathambi

ORDER

The plaintiffs in O.S.No.36 of 2012 filed I.A.No.1070 of 2017 before the Subordinate Judge's Court, Valliyoor, seeking a direction for send for the documents from the Co-operative Bank, Nanguneri.

2.The brief facts of the case is that the plaintiffs have filed the suit for declaration and recovery of possession. The plaintiffs examined PW1 and marked the documents Exs A1 to A17. The Agricultural mortgage deed is marked as Ex A2 and the Agricultural Debt Discount Certificate has been marked as Ex A4. The petitioner has filed I.A.No.1070/2017 before the trial Court to send for the above said documents.

3.The learned counsel appearing for the revision petitioner submitted that when the defendants took a specific plea that the suit property belonged to Vanamalai through an unregistered document and the co-operative loan was repaid by them, it is just and necessary to send for documents to disprove the factual pleadings in the written statement.



4.Considering the facts of the case, the learned Sub Judge, Valliyoor, dismissed the application on 24.01.2018 by stating that without getting the certified copies or copies from the said society, the petitioner approached the Court to send for those documents.

5.Challenging the said order, the revision petitioners have come forward with this Civil Revision petition.

6.Heard the learned counsel for the petitioner. Notice to the respondent is dispensed with in view of the nature of disposal of this case. This Court perused the documents available on record.

7.It is an admitted fact that without applying for the copies from the concerned authority, the petitioner has filed this application to send for the documents sought for by him in I.A.No.1070/2017. Our Honourable Apex court held that before seeking the Court to send for documents, the parties concerned should have applied to the concerned authorities and if the authorities failed to issue the said copies, then they can approach this court and sought to send for documents. Admittedly, in this case without applying from the bank, the petitioners have directly approached this Court and filed the application. Therefore, the learned Sub Judge, rightly considered and dismissed the application on the said ground.

8.Therefore, the order passed by the Sub Judge, Valliyoor, in I.A.No.1070 of 2017 dated 24.01.2018 is a well considered order and this Court does not incline to interfere with the said order.

9.However, liberty is granted to the revision petitioner to make an application to the Co-operative Bank, Nanguneri, within a period of two weeks from the date of receipt of a copy of this order. On receipt of said request made by the petitioner within the period stipulated by this Court, the Co-operative Bank, Nanguneri, is directed to consider and issue the copies within a period of three weeks thereafter.

10.With the above directions, this Civil Revision Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar



To

1.The Subordinate Judge, Valliyoor.

2.The Record Keeper, V.R.Section, (2 COPIES)
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.D.Nallathambi, Advocate Sr.No.60395

TM

VB/RSK/SAR3/22/05/2018/3P/5C

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