



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).Nos.993 & 994 of 2018 and
C.M.P.(MD)Nos.4336 & 4337 of 2018

Sujay Foundations Pvt. Ltd.,
Represented by its Managing Director,
S.Ramesh, through his Power Agent,
M.Subramanian, S/o.S.Marimuthu,
AG1, Gokul Flat,
250, Ramakrishnamadam Road,
Raja Annamalaipuram,
Chennai - 8.

... Revision petitioner/1st Petitioner/
1st Defendant in both petitions

Vs.

1. S.V.S.Sithanantham,

2. Suriyapushpavalli

... Respondents/Respondents/
Plaintiffs in both petitions

3. A.Mayilvaganam

... Respondent/2nd Petitioner/
2nd Defendant in both petitions

COMMON PRAYER : Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the Fair and Decreetal orders passed in I.A.Nos. 1111 and 1110 of 2017 in O.S.No.249 of 2013 on the file of the District Munsif Court, Srivilliputhur, dated 16.02.2018 and allow the Civil Revision petition.

(in both C.R.Ps.,)

For Petitioner

: Mr.K.R.Laxman

For R-1 & R-2

: Mr.M.Solaisamy

For R-3

: No appearance.

COMMON ORDER

The Revision petitioner is the first defendant in O.S.No.249 of 2013 on the file of the Court of the Additional District Munsif, Srivilliputhur.

2. Respondents 1 and 2 herein filed the said suit seeking the relief of declaration and permanent injunction. In the said suit, the Revision petitioner and the third respondent herein filed I.A. Nos.1110 and 1111 of 2017 under Order 75 and 76 of Civil Rules of Practice. Both the applications were dismissed by orders dated 16.02.2018. The same are under challenge before this Court.



3. The learned counsel appearing for the Revision petitioner reiterated the grounds set out in the memorandum.

4. I am of the view that the Court below was justified in dismissing the said applications. The said rules clearly state that in cases where production of a certified copy would answer the purpose, direction under Order 75 of Civil Rules of Practice should not be issued. In this case, the Revision petitioner has not been able to convince me that the production of a certified copy would not answer the purpose.

5. Therefore, liberty is given to the Revision petitioner to apply for certified copies of the documents in question. On such application, the concerned Public Officer shall forthwith issue such certified copies sought for. The same shall be marked in the said proceedings. If any objection is raised by the respondents herein/plaintiffs, liberty is given to the Revision petitioner to take out a fresh application for summoning the concerned officer through whom it can be marked.

6. With this liberty and subject to the aforesaid directions, the Civil Revision petitions stand dismissed. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Additional District Munsif,
Srivilliputhur.

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

+2CCs TO MR.K.R.LAXMAN, ADVOCATE IN SR.NO.78986.

+1CC TO MR.M.SOLAISAMY ADVOCATE IN SR.NO.79140.

PMU

DS PM SAR-2 09.10.2018 2P/7C

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