



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

CRP(PD) (MD) .No.1272 of 2018
and C.M.P. (MD) No. 5359 of 2018

1. V.R. Exports

Office previously having at:
No.49A, Burma Colony,
Natham Road, Dindigul Town,
Dindigul District.

Presently having at:
Main Road,
Sukkangalpatti Village,
Uthamapalayam Taluk,
Theni District.

2. R. Vinothkumar .. Petitioners

. Vs .

1. Natharmeeran .. Respondent-1

2. Ravisankar

3. R. Kavitharani .. Respondents-2 & 3

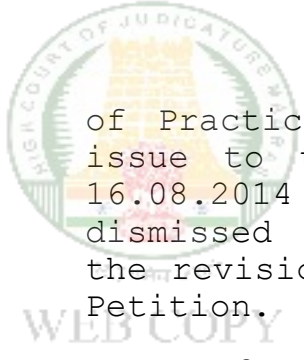
PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 11.06.2018 made in the I.A.No.11 of 2018 in O.S.No.19 of 2015 on the file of the learned Principal District Judge, Theni.

For Petitioner : Mr.A. Arumugam

ORDER

The petitioners have come forward with this Civil Revision Petition, to set aside the fair and decreetal order dated 11.06.2018 made in I.A.No.11 of 2018 in O.S.No.19 of 2015 on the file of the learned Principal District Judge, Theni.

2. The petitioners are the defendants-1 & 2 and the first respondent is the plaintiff and the respondents-2 & 3 are the defendants-3 & 4 in O.S.No.19 of 2015. The plaintiff has filed a suit in O.S.No.19 of 2015 against the defendants-1 to 4 for recovery of a sum of Rs.48,20,000/- (Rupees Forty Eight Lakhs Twenty Thousand Only) with interest. During the pendency of the suit, the defendants-1 to 4 have filed an interlocutory application in I.A.No.11 of 2018 in O.S.No.19 of 2015 under Rule 76 of Civil Rules



of Practice to direct the Additional Superintendent of Police to issue to the petitioners a certified copy of a Complaint dated 16.08.2014 given by second and third petitioners and the trial Court dismissed the interlocutory application. Aggrieved over the same, the revision petitioners have come forward with this Civil Revision Petition.

3. Heard the learned counsel for the revision petitioners and perused the documents available on record.

4. The petitioners have filed an interlocutory application in I.A.No. 11 of 2018 in O.S.No.19 of 2015 before the Principal District Court, Theni under Rule 76 of Civil Rules of Practice to direct the Additional Superintendent of Police to issue to the petitioners a certified copy of a complaint dated 16.08.2014 given by the second and third petitioners. But, admittedly, the petitioners have ought to have filed an interlocutory application under Rule 76(2) of Civil Rules of Practice in stead of the application has been filed under Rule 76 of Civil Rules of Practice. The petitioners are not entitled to get a certified copy from the authorities concerned under Rule 76 of Civil Rules of Practice.

5. Therefore, I am inclined to pass the following order:

1. the Civil Revision Petition is dismissed.
2. by confirming the fair and decreetal order dated 11.06.2018 in I.A.No. 11 of 2018 in O.S.No.19 of 2015 passed by the learned Principal District Judge, Theni.
3. the petitioners are at liberty to file an application under Rule 76(2) of Civil Rules of Practice and
4. On such filing, the learned Principal District Judge, Theni is directed to pass an appropriate order afresh by giving notice to both the parties within a period of four weeks from the date of receipt of copy of this order.

No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

To

The Principal District Judge,
Theni.

+ 1 CC TO Mr.A.ARUMUGAM, ADVOCATE IN SR No.69827

KSA

<https://hcservices.ecourts.gov.in/hcservices/> 07/2018 : 2P/3C

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26.06.2018