



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) No.566 of 2016

and

C.M.P. (MD) No.2467 of 2016

Shanthi

.. Petitioner/Petitioner/Plaintiff

/Vs./

Lingadurai (died)

1.Athipushpam

2.Minor Sorna Selvan

3.Minor Sorna Lingam

4.Minor Sorna Sekar

5.Minor Linga Eswari

6.Thangammal

7.Mahalekshmi

8.Minor Esakki Lingam

9.Minor Lingaraj

.. Respondents/Respondents/Defendants

(Minor Respondents 2 to 5 are rep. by their mother and natural guardian 1st respondent, Minor Respondents 8 & 9 are rep. by their mother and natural guardian 6th respondent)

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order, dated 17.12.2015, passed in I.A.No.454 of 2015 in O.S.No.12 of 2007 by the Additional District Munsif Court, Thoothukudi pending disposal of this above Revision.

For Petitioners : Mr.G.Prabhu Rajadurai

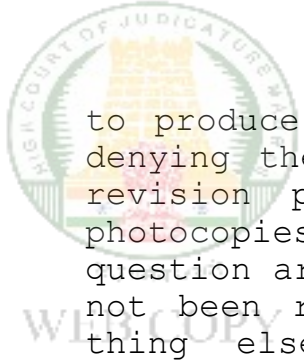
For Respondents : Mr.S.Siva Thilakar for R6 & R7

ORDER

The revision petitioner is the plaintiff in O.S.No.12 of 2007 on the file of the Additional District Munsif Court, Tuticorin. It is a suit for declaration and permanent injunction. In the said suit the revision petitioner filed I.A.No.454 of 2015 for receiving photo copies of two documents. The Court below dismissed the above I.A. by order, dated 17.12.2015. The plaintiff assails the correctness of the said order in this Civil Revision Petition.

2.The learned counsel appearing for the revision petitioner reiterated the contentions set out in the memorandum of grounds.

3.I am unable to agree with the contentions of the revision petitioner. AS rightly pointed out by the learned counsel for the respondent in response to the notice to the defendants asking them



to produce the documents in question, the defendants filed a memo denying the very existence of the said documents. Therefore, the revision petitioner wanted to the Court below to receive the photocopies of the said documents. It is seen that the documents in question are only photocopies and not original documents. They have not been registered and purport to be sale deeds. More than any thing else the plaintiff is not party to those documents. Defendants have denied their very existence. In this circumstance, the Court below rightly dismissed the I.A filed by the revision petitioner. I find no merit in this Civil Revision Petition.

4. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl. side)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Additional District Munsif, Thoothukudi.

2. The Section Officer,

V.R. Section, Madurai Bench of Madras High Court,
Madurai. (**2copies**)

+1CC to Mr. G. Prabhu Rajadurai, Advocate, SR.No.80898

+1CC to Mr. S. Siva Thilakar, Advocate, SR.No.81274

C.R.P. (PD) (MD) No.566 of 2016
28.08.2018

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ES/SV/SAR 2/03.10.2018/2P/6C