

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2019

C O R A M

THE HON'BLE MR. JUSTICE M.S. RAMESH

C.R.P. [PD] No.2769 of 2018
and
C.M.P. No. 16222 of 2018

S.Arumugasamy

... Petitioner

Vs

1.C.M.Raju

2.The Tahsildar,
Tambaram, Chennai.

3.The Revenue Divisional Officer,
Tambaram, Chennai.

... Respondents

Prayer :

Civil Revision Petition filed under Article 227 of the Constitution of India, against fair and decretal order in I.A.No.925 of 2017 in O.S.No.63 of 2008, dated 19.06.2018 on the file of the learned District Munsif, Tambaram and to set aside the same.

For Petitioner : Mr.A.Mohan

For Respondents : Mr. ARL.Sundaresan, Senior Counsel
For M/s Palzhani Murugesan

ORDER

The order under challenging in the present Civil Revision Petition is the rejection of the petitioner's application under Order 16 Rule 6 of C.P.C., seeking to summon the Sub Registrar, Tambaram to produce an Encumbrance Certificate and Gift Deed. On perusal of the order under challenge, it is seen that the Court had rejected the petitioner's application on the ground that the documents sought for by the petitioner are public documents and that are easily obtained from the Competent Authority and that the present application seeking for summoning the Sub Registrar is absolutely unnecessary and has been filed to drag on the proceedings.

2. Rule 75 Sub Clause (3) of Civil Rules of practice mandates that in case an applicant intends to summon a Public Officer, it will satisfy itself that the applicant has made an application for certified copies of the said documents and only when such certified copies have not been issued, the Court shall issue such summons. In the instant case, there is no reason adduced in the application as to the necessity for summoning the Sub Registrar and for letting in evidence with regard to the public documents and there are no averments the petitioner had filed the application seeking for certified copies to produce the public documents, which is pending. That being the case, the petitioner may not be justified in seeking for

summoning the Sub Registrar for proving the Encumbrance Certificate and the Gift Deed. As such, I do not find any infirmity in the order passed by the Trial Court.

3. Hence, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

08.01.2019

vsn/msm

Index : Yes/No

Internet : Yes/No

Speaking /Non-speaking order

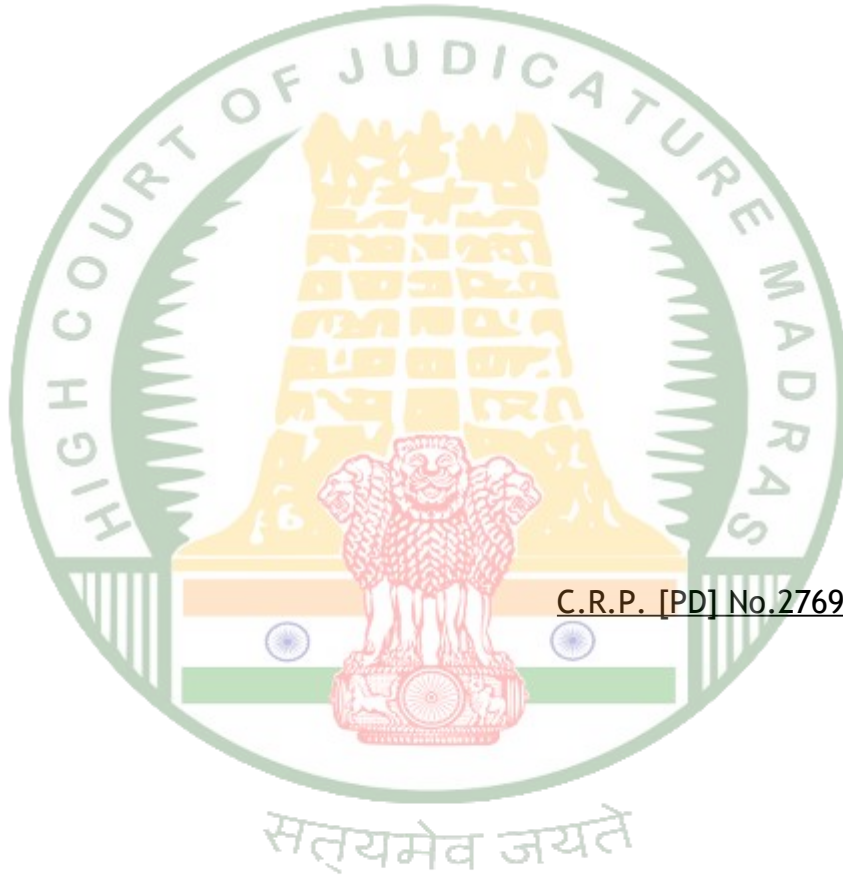
To

The District Munsif,
Tambaram.

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M.S.RAMESH, J.

msm



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