

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD)No.1562 of 2019

and

C.M.P.No.10212 of 2019

- 1.P.Jagadeesan
rep. by his Power Agent, P.Mohan.
- 2.Pankajam
rep. By his Power Agent, P.Mohan. ... Petitioner

Vs.

- 1.The Madhavaram Municipality
Rep. By its Commissioner,
Madhavaram, Chennai – 600110.
- 2.The Joint Director,
Town and Country Planning,
Chengalpattu Division,
No.131, G.S.T.Road,
Chengalpattu.
- 3.The Chennai Corporation,
Rep. By its Assistant Commissioner,
Zone-3, Madhavaram,
Chennai-600060.
- 4.The Chennai Corporation,
Rep. By its Executive Engineer,
Zone-3, Madhavaram,
Chennai-600060.
- 5.The Chennai Corporation,
Rep. By its Assistant Engineer,
Ward 33, Zone-3, Madhavaram,
Chennai-600060.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India seeking to set aside the fair order and decree passed in I.A.No.1 of 2019 in O.S.No.137 of 2006 dated 05.04.2019 by the District Munsif Judge, Thiruvottiyur.

For Petitioner : Mr.T.S.Rajamohan

ORDER

This Civil Revision Petition has been filed seeking to set aside the fair order and decree passed in I.A.No.1 of 2019 in O.S.No.137 of 2006 dated 05.04.2019 by the District Munsif Judge, Thiruvottiyur.

2. The petitioner filed a suit for declaration and injunction. He has filed an interim application to summon the second defendant to produce the relevant records before the Court so that their case can be proved. The Court has made an observation that the plaintiff has not taken any steps to obtain the relevant documents and in the absence of the above, the petitioner should not seek assistance of the Court for production of documents from the Government authorities. The trial Court having found that such kind of petitions are only to drag on the proceedings, dismissed the Interlocutory Application.

3. It is well settled that the onus is on the plaintiff to prove his own case on the strength of evidence available with him. In order to prove his case, he cannot ask the defendants to come and produce the documents before the Court to support his case. Such attitude cannot be entertained.

4. In the present case, the petitioner is seeking the documents and relevant files from the second respondent in order to establish his case. The trial Court has rightly dismissed the case. It is for the petitioner / plaintiff to work out his remedy in accordance with law.

5. The Civil Revision Petition merits no consideration and accordingly dismissed. No costs. Consequently, connected civil miscellaneous petition is closed.

सत्यमेव जयते

10.06.2019

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M. GOVINDARAJ, J.

bkn

1. The Commissioner,
Madhavaram Municipality
Madhavaram, Chennai – 600110.

2. The Joint Director,
Town and Country Planning,
Chengalpattu Division,
No.131, G.S.T.Road,
Chengalpattu.

3. The Assistant Commissione,
Chennai Corporation,
Zone-3, Madhavaram,
Chennai-600060.

4. The Executive Engineer,
Chennai Corporation,
Zone-3, Madhavaram,
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5. The Assistant Engineer,
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