

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

C.R.P.PD.No.2972 of 2019

&

C.M.P.No.19176 of 2019

S.S.Saravanabhavan

...Petitioner

-Vs-

1.S.Sivakumar

2.Dr.S.Sampath Kumar

3.S.Vijayakumar

...Respondents

Prayer : Civil Revision Petition under Article 227 of the Constitution of India against the order dated 26.07.2019 made in I.A.No.2 of 2019 in O.S.No.218 of 2013 on the file of the II Additional District Munsif, Erode.

For Petitioner : Mr.Govind Chandrasekhar

O R D E R

This revision petition has been filed as against the fair and decreetal order dated 26.07.2019 made in I.A.No.2 of 2019 in O.S.No.218 of 2013 on the file of the II Additional District Munsif, Erode.

2. By the said impugned order, the trial Court has dismissed the petition filed by the revision petitioner, who was the second defendant in the suit, under Order 16 Rule 6 and Section 151 of CPC, to issue summons to the Revenue Divisional Officer of Erode to produce the petition mentioned documents.

3. According to the petitioner, he was very particular about two documents. They are,

(a) Proceedings of the Deputy Director of Survey Records Department, Erode dated 04.10.2013 in Na.Ka/6764/2013/A9.

(b) Proceedings of the Revenue Divisional Officer in Na.Ka.No.27951/2013 A6 dated 21.01.2014.

4. Heard the learned counsel appearing for the petitioner. According to the learned counsel for the petitioner, those two

documents were pertaining to the common pathway in question, which is the subject matter in the suit. Therefore, in order to prove the case of the revision petitioner, who was the second defendant in the suit, those documents are required and in order to produce those documents, the said application was filed to summon the Revenue Divisional Officer, and according to the petitioner, those documents are available.

5. While considering the said plea of the petitioner, through the impugned order, the learned Judge has stated that already one of the party approached this Court by way of W.P.No.20757 of 2013 and W.P.No.2581 of 2014, wherein this Court, while directing the party to approach the civil Court in the pending suit in O.S.No.218 of 2013, gave an outer limit of six months period to the trial Court to complete the trial and pass the judgment and decree in the suit. Thereafter, six years have gone. Even now, the suit is pending at the stage of examination of witnesses, where P.W.1 has to be cross examined.

6. Taking into account all these aspects, the learned Judge, while dismissing the petition, has also observed that if at all the petitioner wants to produce the above documents, he can apply to get the certified copies of those documents and once the certified copies are obtained, the same can be produced before the Court and the same can be marked through the witnesses of the second defendant/revision petitioner.

7. In that view of the matter, this Court finds no infirmity in the impugned order passed by the learned II Additional District Munsif, Erode. However, the dismissal of the I.A.No.2 of 2019, will not preclude the revision petitioner herein from making an application to the Revenue Divisional Officer to get the certified copies of those documents sought for and once the revision petitioner gets the certified copies of those documents, the same can be marked in the manner known to law / under the provisions of C.P.C. An outer time limit of thirty (30) days is given to the revision petitioner to mark the documents before the trial Court.

8. With the above observations, the present Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

KST

To

The II Additional District Munsif,
Erode.

C.R.P.PD.No.2972 of 2019

SS (CO)
CS/23/10/2019



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