

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2019

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

C.R.P.No.3625 of 2019

E.Mohan Rao

... Petitioners

-Vs-

1.Ethirajulu Naidu

2.E.Gunasekaran

... Respondents

Prayer : Civil Revision Petition under Article 227 of the Constitution of India against the fair and decreetal order passed in I.A.SR.No.4659 of 2019 in O.S.No.13 of 2017 dated 16.10.2019 passed by the Sub Court, Arakkonam.

For Petitioners : Mr.T.V.Suresh Kumar

ORDER

This revision petition has been filed against the fair and decreetal order passed in I.A.SR.No.4659 of 2019 in O.S.No.13 of 2017 dated 16.10.2019 passed by the Sub Court, Arakkonam.

2. Before the trial Court, the plaintiff laid a suit for partition of number of properties shown in the plaint and one movable property viz., money deposited in the bank accounts in the name of the defendants.

3. In this context, it seems that the revision petitioner / plaintiff has filed the present unnumbered application seeking a direction to the defendants /

respondents to produce all their bank account details for the last ten years along with the details about the deposits made in the said accounts. In the said application, the learned Judge, after having perused the same, has passed the impugned order dated 16.10.2018 stating that, if at all the plaintiff wants some documents, which are in the custody of the defendants to be produced before the Court below, steps could have been taken to issue notice to that effect under the relevant provisions of C.P.C., and without taking any steps, the plaintiff / revision petitioner cannot seek the indulgence of the Court to issue directions to produce those documents.

4. Since the said order dated 16.10.2018 made by the Court below is being challenged, I have perused the said order as well as the application filed to that effect by the revision petitioner and have also heard the learned counsel appearing for the revision petitioner / plaintiff.

5. As has been rightly held by the learned Judge of the trial Court, if at all the revision petitioner / plaintiff wants the production of some documents in the custody of the defendants, steps can be taken to that effect and it is for the defendants either to produce those documents or to take a stand that no such document is available or though it is available, it cannot be produced. In both the cases, adverse inference can be drawn and advantage can be taken by the revision petitioner / plaintiff. However, without resorting to that method, the present

application has been filed seeking a direction to the defendants to produce the documents, which is not justifiable and that is the reason why the learned Judge took the view and rejected the application.

6.In that view of the matter, this Court is of the considered opinion that, the reason given by the learned Judge cannot be said to be unjustifiable and hence the Civil Revision Petition fails and accordingly it is dismissed. No costs. Learned counsel for the petitioner submits that the original petition has been filed by the revision petitioner. Registry is directed to return the same to the revision petitioner, after due acknowledgment.

Index : Yes / No
Internet : Yes / No
KST

11-11-2019

To

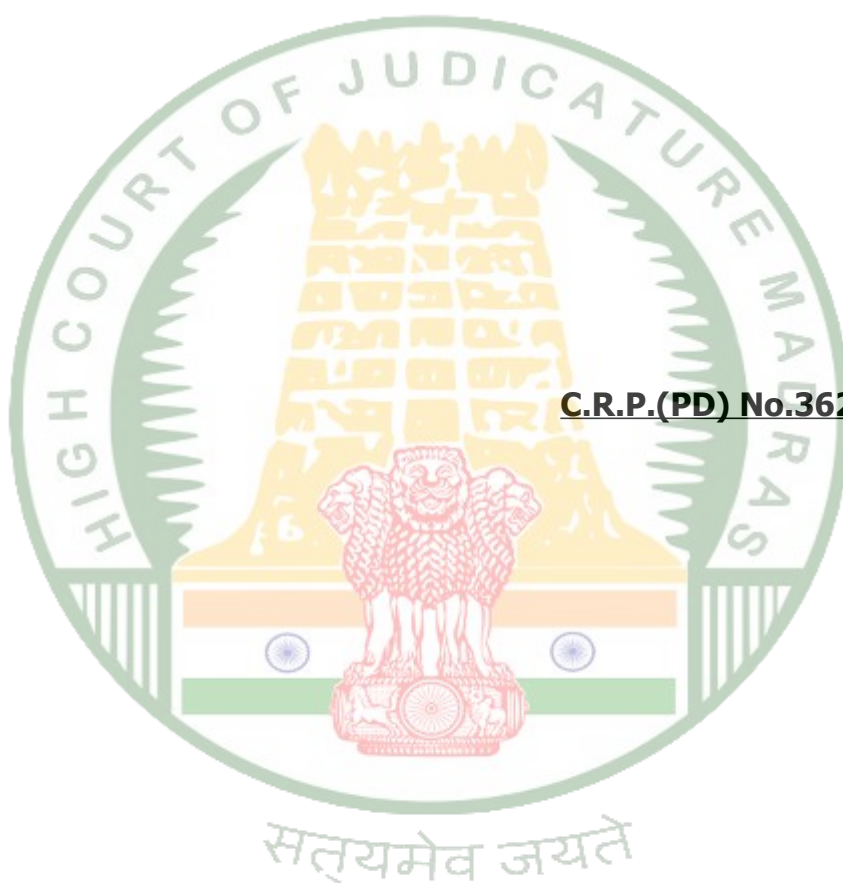
The Subordinate Judge, Arakkonam.

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R.SURESH KUMAR, J.

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