



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.18643 of 2017

P.Soundara Pandiyan

... Petitioner

Vs

1.The Principal District Judge,
Madurai District Court,
Madurai.

2.The Sheristadar,
District and Sessions Court,
Trichy.

3.The Sheristadar,
District and Sessions Court,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to conduct an enquiry on non availability of certain documents as per the petitioner's letter dated 08.05.2017 in case records in O.S.No.168/2007 on the file of the Principal District Court, Madurai

For Petitioner : Mr.T.Vadivelan
For Respondents : Mr.K.Samidurai

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is figuring as the first defendant in O.S.No.779 of 1989 on the file of the Subordinate Court, Thiruchirappalli. Now, the said suit was renumbered as O.S.No.168 of 2007 on the file of the Principal District Court, Madurai. The petitioner's complaint is that some of the documents marked by him are missing and that he wants an enquiry is to be conducted by the first respondent in this regard.

3. It is seen that the case was instituted before the Subordinate Court, Thiruchirappalli in the year 1989. After the trial commenced, the documents in question were marked sometime in the year 1992. It appears that the case had traveled from Court to Court and has now ultimately landed in the Court of Principal District Judge, Madurai. Therefore, even if an enquiry is ordered, it will be a futile exercise and it would not be a possible to fix the liability. Therefore, I am of the view that instead, the writ petitioner can be permitted to reconstruct the documents in question. The petitioner is permitted to take out an application



for reconstruction before the learned Principal District Judge and the learned Principal District Judge shall allow the same.

4. The Writ Petition is disposed of accordingly. No costs.

WEB COPY

Sd/-

Assistant Registrar (CS I)

// True Copy //

Sub Assistant Registrar

rmk

To

1.The Principal District Judge,
Madurai District Court,
Madurai.

2.The Sheristadar,
District and Sessions Court,
Trichy.

3.The Sheristadar,
District and Sessions Court,
Madurai.

1 CC to M/s.T.VADIVELAN, Advocate (SR-50729[F] dated 28/02/2019)

W.P.(MD)No.18643 of 2017

28.02.2019

DS/ /SAR- (03.04.2019) 2P 5C