

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P.PD.No.262 of 2020

J. Banu ... Petitioner

Vs.

1. B. Naasardevi

2. J. Venkatesan ... Respondents

Prayer :- This Civil revision has been filed under Article 227 of the Constitution of India to set-aside the fair and final order dated 29.03.2019 passed in I.A.No.384 of 2018 in O.S.No.184 of 2011 on the file of the District Additional Munsiff Court, Kancheepuram.

For petitioner : Mr. M. Saravanakumar

ORDER

This Civil Revision Petition has been filed against the order allowing the application filed by the first respondent/plaintiff seeking direction to the petitioner/2nd defendant to produce his approved building plan and also a sale deed executed in favour of the petitioner/2nd defendant.

2. The first respondent/plaintiff filed a suit for declaration to declare that the plaintiff is a co-owner and entitled 1/3 share in the suit property and also for mandatory injunction to remove the wall put up by the defendants. In the above suit, the plaintiff filed an application in I.A.No.384 of 2018 under Order 16 Rule 7 CPC to direct the DW1 to produce the approved building plan and also the sale deed executed in favour of the defendants. The above application has been filed on the ground that DW1 during cross examination has stated that already there are constructions in the first floor of the building over the B schedule property and he is having approved plan obtained from the Municipality by her vendor and also ready to produce the same if required and she has also further stated that the sale deed contain construction of the building in the schedule. Disputing the same, the first respondent herein filed the present application for direction to produce the above document and the Court below has also allowed the application. Now, challenging the same, the present revision has been filed.

3. Heard the learned counsel for the petitioner and perused the materials available on records carefully.

4. The present application has been filed by the first respondent only on the ground that during the course of evidence DW1 has stated that already there was a construction in the first floor of the building and she is also having approved plan obtained from the Municipality by her vendor and further it is also stated that in the sale deed obtained by the petitioner herein construction of building has also been mentioned. It is also stated that both the documents are in her possession and she is ready to produce the same before this Court. In the said circumstances, the present application has been filed seeking a direction to the defendants to produce those documents. The Court below after considering the materials, has allowed the application on the ground that in order to prove the case of the plaintiff and as the documents are in custody of the defendants, no prejudice will be caused to the defendants in producing the documents to arrive at a decision. I have also carefully gone through the records. I find no illegality or irregularity in the order passed by the Court below and I find no merit in the revision.

5. Accordingly the Civil Revision Petition is dismissed. No costs.

29.01.2020

mrp
Index : Yes/No
Internet : Yes/No
Speaking order/non speaking order

To

The Additional Munsiff Court,
Kancheepuram.



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V.BHARATHIDASAN, J.,

mrp



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