

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP (PD) No.1690 of 2018 and
CMP No.9311 of 2018

1. N.Velayudam
2. Jayaraman
3. V.Madhavan
4. Lakshmanan
5. Veeraragavan

... Petitioners

Vs

Yogi Vamana matriculation School,
Timiri Represented by its Correspondent,
Mr.Deenadayalan
Varadha reddy Valagam,
Kavanoor road, S.V.Pet,
Timiri, Arcot Taluk, Vellore District.

... Respondent

Prayer: The Civil Revision petition filed under Article 227 of Constitution of India, against the fair and decreetal order dated 12.02.2018 made in I.S.No.73 of 2018 in O.S.No.201 of 2008 on the file of the Principal Sub Judge, Ranipet.

For Petitioners : Mr.A.Gokula Krishnan

For Respondent : Mrs.M.Sangeetha for
Mr.T.P.Prabhakaran

ORDER

The defendants in O.S.No.201 of 2008 are on revision, challenging an order, rejecting an application in I.A.No.73 of 2018 which was filed seeking a direction to the plaintiff to produce title documents to the suit property.

2. The learned trial Judge rightly dismissed the application on the conclusion that the defendants cannot compel the plaintiff to produce documents.

3. I have heard Mr.A.Gokulakrishnan, learned counsel appearing for the petitioners and Mrs.M.Sangeetha, learned counsel appearing for the respondent.

4. Mr.A.Gokulakrishnan, learned counsel appearing for the petitioners would vehemently contend that when the plaintiff has come to Court with a specific claim of title, they have to establish it by producing relevant documents and the defendants can compel the plaintiff to produce such documents of title.

5. Contending contra,, Mrs.M.Sangeetha, learned counsel appearing for the respondent/plaintiff would submit that the defendants cannot compel the plaintiff to produce a particular document or documents. It is for the plaintiff to prove the title pleaded. The plaintiff would succeed if it is able to prove its title otherwise not.

6. I am unable to countenance the arguments of the learned counsel for the petitioners.

7. The plaintiff has come to Court with a specific plea of title and seeks a permanent injunction. It is for the plaintiff to establish the title pleaded by it and also prove its possession on the date of the suit. Failure to

prove both the title and possession, will lead to the dismissal of the suit. I do not think that the defendant can request the Court to direct the plaintiff to produce a particular document during the course of trial. That is not the object of Order 11 Rule 14 of the Code of Civil Procedure.

8. Hence, I do not see any illegality or irregularity in the order of the trial Court in dismissing the application. The Civil Revision petition therefore fails and it is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

vum

Index: Yes/No

Speaking order / Non speaking order

To:

The Principal Sub Judge, Ranipet.

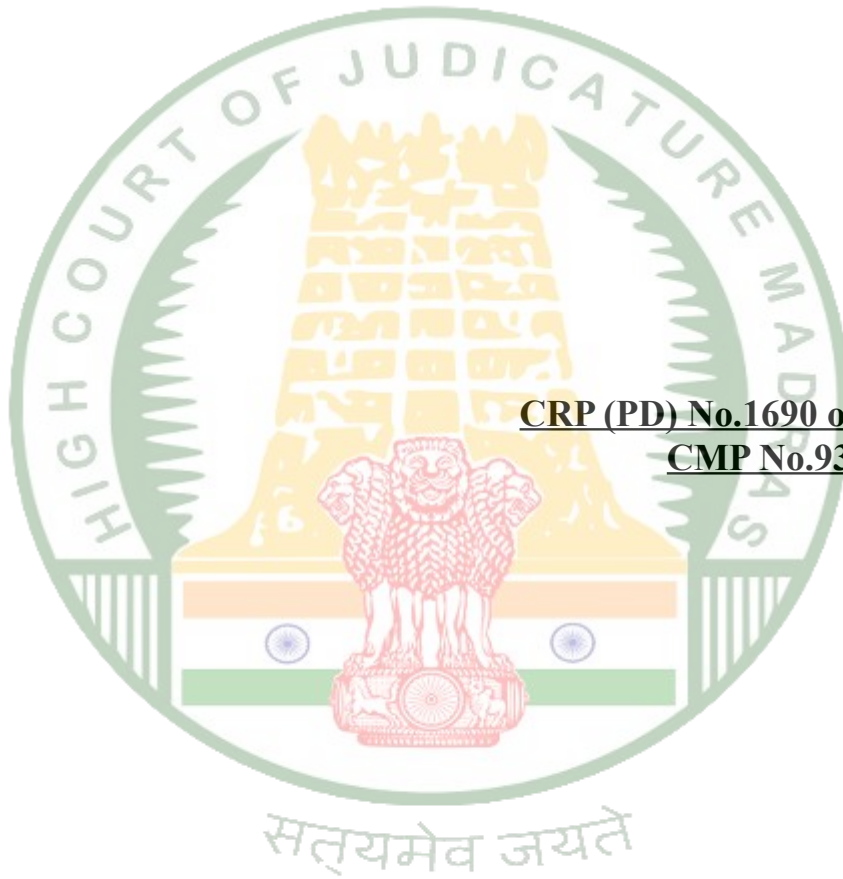
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R.SUBRAMANIAN, J.

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