



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE P. VELMURUGAN

C.R.P. (MD) No. 2236 of 2015

and

M.P. (MD) No. 1 of 2015

WEB COPY

1. Chokkar
2. Muthuraj
3. Alagarsamy

... Petitioners/Respondents 1 to 3/
Defendants 1 to 3

Vs.

1. Puchi

... Respondent/Petitioner/
2nd Plaintiff

2. The Tahsildar,
Taluk Office,
Srivilliputtur.

... Respondent/4th Respondent/
4th Defendant

Prayer: Civil Revision Petition has been filed under Article 227 of Constitution of India against the fair and decreetal order in I.A.No.1165 of 2014 in O.S.No.422 of 2013, dated 16.02.2015, on the file of the Principal District Munsif Court, Srivilliputtur.

For Petitioners : Mr.A.Sivaji

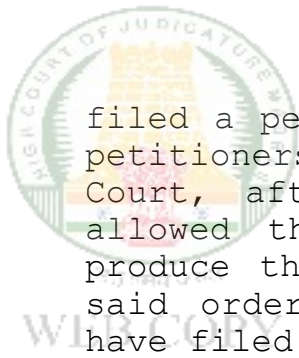
For Respondents : Mr.B.Rajesh Saravanan
for R.1

: Mr.M.Jeyakumar
Additional Government Pleader
for R.2

ORDER

Challenging the fair and final order passed in I.A.No.1165 of 2014 in O.S.No.452 of 2013, dated 16.02.2015, on the file of the Principal District Munsif Court, Srivilliputtur, the petitioners/defendants have filed the above Civil Revision Petition.

2. The plaintiffs filed a suit against the petitioners/defendants in O.S.No.422 of 2013, on the file of the Principal District Munsif Court, Srivilliputhur seeking declaration and permanent injunction restraining the respondents from interfering with their peaceful possession and enjoyment. During the pendency of the suit, the first respondent/second plaintiff



filed a petition in I.A.No.1165 of 2014 seeking a direction to the petitioners/defendants to produce certain documents. The trial Court, after taking into consideration the case of both sides, allowed the petition and directed the petitioners/defendants to produce the documents sought for in the petition. Challenging the said order passed by the trial Court, the petitioners/defendants have filed the present Civil Revision Petition.

3. The learned Counsel appearing for the petitioners/defendants would submit that the first respondent/second plaintiff has filed the suit for declaration and permanent injunction and the document sought to be produced in the interlocutory application is not connected to the suit property and the southern boundary of the suit property shown as Survey No.180/2 is belonging to the petitioners/defendants. The trial Court failed to consider the said fact and allowed the petition, which warrants interference by this Court.

4. The learned Counsel appearing for the first respondent would submit that the petitioners/defendants are the adjacent owners of the property and even if the documents are produced, no prejudice would be caused and they have also claimed certain extent from the plaint schedule property and therefore, in order to help the Court to arrive at real justice, the documents have to be produced and therefore, the trial Court has rightly allowed the petition, which does not warrant any interference by this Court.

5. Heard the submissions made by the learned Counsel appearing on either side and perused the materials available on record.

6. Considering the submissions made by the learned Counsel appearing on either side and the issue involved in the present case and the relief sought for by the plaintiffs, this Court does not find any perversity in the order passed by the trial Court. This Court is of the considered view that even if the documents are produced, no prejudice would be caused to the petitioners/defendants and in order to enable the trial Court to render real justice, the documents are absolutely necessary. Under these circumstances, there is no merit in the Civil Revision Petition. The Civil Revision Petition is liable to be dismissed. Accordingly, the same is dismissed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

The Principal District Munsif,
Srivilliputtur.

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+1 CC to M/s.B.RAJESH SARAIVANAN, Advocate (SR-10134[F] dated
05/03/2020)

+1 CC to M/s.A.SIVAJI, Advocate (SR-10077[F] dated 04/03/2020)

C.R.P. (MD) No. 2236 of 2015

and

M.P. (MD) No. 1 of 2015

03.03.2020

AP(18.03.2020) 3P 4C