



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2021

CORAM:

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P. No.1440 of 2021

(Through Video Conference)

1. Jasneethan

2. Pothraj

...Petitioners

Versus

T. Dhanasekaran

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 16.02.2021 made in R.A.No.46 of 2019 in O.S.No. 285 of 2010 on the file of the Principal District Munsif Court, Alandur by allowing the above Civil Revision Petition.

For Petitioner : M/s.M.Saravanakumar

For Respondent : M/s.Pravin (Vakalat not filed)

ORDER

This petition is filed to set aside the order passed R.A. No.46/2019 in O.S. No.285 of 2010, Alandur.

2. RA No.46/2019 was filed under Section 151 of the Code of Civil Procedure for returning the documents, which were marked as Exs.A-2, A-4, A-9 and A-18.

3. The learned counsel for the petitioner submitted that these documents are required for production before the Corporation of Chennai for fixing the tax. Earlier, the property came under the Jurisdiction of Alandur Municipality and after re-organization, the property comes under the Corporation of Chennai. Therefore, these documents are required for production before the Corporation of Chennai for fixing property tax.

4. This petition was Objected by the respondent on the ground that appeal against judgment in O.S.No.285 of 2010 was filed and it is pending in A.S.No.32/2019 on the file Sub Court,



Tambaram. The Learned Judge, after considering the submissions made by the parties, dismissed the petition mainly on the ground that appeal is pending.

5. As said earlier, the learned counsel for the petitioner reiterated his submission that these documents are absolutely necessary and he is prepared to obtain certified copies of these documents and produced before the Court. A-2, A-9 and A-18 are the House Tax and property tax and A-4 is the settlement deed. All are necessary documents.

6. In the facts and circumstances of the case, the original documents are not necessary for perusal by the Appellate Court. It is enough if the certified copies are produced for adjudicating the case before the appellate Court. Therefore, the petitioner can obtain certified copies of these documents from the Court and substitute certified copies in the place of originals and can get back the originals. If the appellate Court requires the aforesaid original documents for perusal, it can always direct the petitioner to produce the originals at the time of hearing the appeal.

7. In such view of the matter, the Civil Revision Petition is allowed with a direction to the petitioner to get certified copies of A-2, A-4, A-9 and A-18 and produce before the learned Principal District Munsif, Alandur for its substitution in the place of originals. After completion of this exercise, the originals shall be returned to the petitioner by getting an undertaking that the petitioner will produce the originals if required by the appellate Court during the course of hearing of the appeal. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

RAP/RR
To:

The Principal District Munsif,
Alandur.

+1cc to M/s.M.Saravana kumar, Advocate, S.R.No.43812

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BP[co]
NSK/22/09/2021