

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No. 2363 of 2016

and

CMP.No.12219 of 2016

The Secretary,
South India Cine & T.V.Make Up
Artistes and Hair Stylist Union,
No.47-A, Kamarajar Salai,
A.V.M.Colony,
Virugambakkam,
Chennai – 600 092.

... Petitioner

Vs.

Nagarajan

... Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order dated 04.07.2016 made in I.A.No.14860 of 2015 in O.S.No.2934 of 2013 passed by the I Assistant Judge, City Civil Court, Chennai.

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For Petitioner : Mr.S.Senthilnathan

For Respondent : Mr.David George

ORDER

This Civil Revision Petition is directed as against the fair and decretal order passed in I.A.No.14860 of 2015 in O.S.No.2934 of 2013 dated 04.07.2016 on the file of the I Assistant Judge, City Civil Court, Chennai, thereby, allowing the petition for appointment of Advocate Commissioner filed by the respondent herein.

2. The petitioner is the defendant and in the suit filed by the respondent herein for mandatory injunction directing the defendant to enroll him as regular member in the defendant/society, after receiving the subscription with arrears up to date consequentially. Pending the said suit, the respondent herein filed a petition for direction to direct the petitioner to produce the list of membership and receipt of subscription voucher, retirement membership list, admission and dismissal membership list, voluntary retirement list, membership donation, statement of account and renewal details of association before the Labour Commission etc., to be produced before the Court from the years 2000 to 2014.

3. It is seen that the said application was allowed with a direction to the petitioner to produce records relating to admission of new member Niranjana and other records which were not produced by him. The production of all documents will be very much voluminous and no such documents are available and the documents sought, have no relevancy with the present case. Thereafter, the present I.A has been filed by the respondent herein for the very same relief viz., appointment of Advocate Commissioner to inspect the documents kept in the custody of the petitioner and to seize the same as follows:-

- “1. Statement of Accounts;*
- 2. Membership list;*
- 3. Receipt of subscription voucher*
- 4. Voluntary retirement list*
- 5. Incoming and outgoing member list from the*
year 2000 to 2014
- 6. Donation accounts*
- 7. The plaintiff's dismissal records*
- 8. Building donation record for the union to justify*
the plaintiff's claim.”

4. On a perusal of the documents, it is seen that the respondent had already filed a petition for very same documents to be produced by the petitioner herein. The said application was allowed and the some of the documents were produced by the petitioner herein. Once again, the respondent had filed the present I.A for appointment of Advocate Commissioner to inspect the respondent's office and also to seize the very same documents. The Court below did not even whisper about the earlier order passed in the earlier application filed by the respondent herein. Therefore, the impugned order passed by the trial Court is perverse and contrary to the facts and it is liable to be set aside.

5. Accordingly, this Civil Revision Petition is allowed and the order passed in I.A.No.14860 of 2015 in O.S.No.2934 of 2013 dated 04.07.2016 is set aside. Consequently, the connected Miscellaneous Petition is closed.

No costs.

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Speaking/Non-speaking order
Index : Yes/No

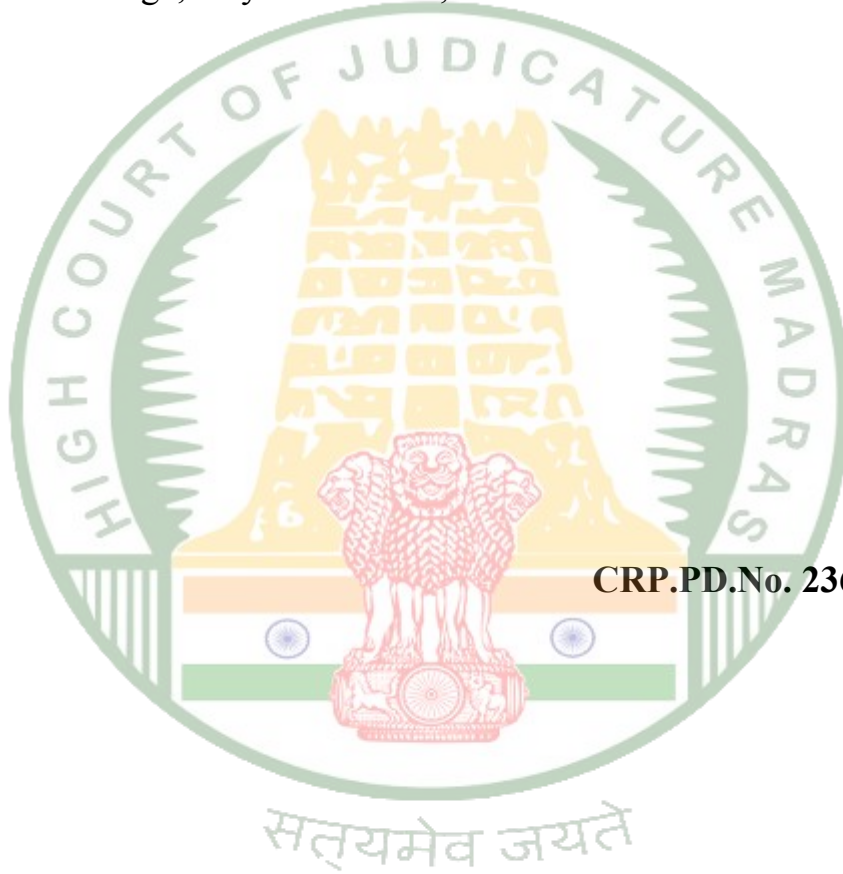
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G.K.ILANTHIRAIYAN,J.

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To

The I Assistant Judge, City Civil Court, Chennai.



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