

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2021

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

C.R.P. (PD) No.1083 of 2021
and
C.M.P.No.8502 of 2021

1.Thirumalai
2.Thenmalai
3.Sankari

..Petitioners/Petitioners/Defendants

Vs

Prem Soukan

..Respondent/Respondent/Plaintiff

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 08.04.2021 made in I.A.No.83 of 2021 in O.S.No.24 of 2014 on the file of the Additional District Court, Tiruvannamalai.

For Petitioner

..

Mr.K.Narayanan

For Respondent

..

No appearance

ORDER

The defendants in O.S.No.24 of 2014 now pending on the file of the learned Additional District Judge, Tiruvannamalai, are the revision petitioners herein. They had filed I.A.No.83 of 2021 while the trial was pending under Order XII Rule 8 of Civil Procedure Code read with 151 Civil Procedure Code, seeking production of a document namely, income tax return of the respondent / plaintiff for the assessment year of 2012 – 2013. The suit had been filed for specific performance and it is claimed that the said suit is based on a document which cannot be termed as a genuine document. The nature of the document is an issue that has to be decided during the course of trial by the Trial Judge.

2.The present petitioners had filed I.A.No.83 of 2021 seeking a direction against the respondent / plaintiff to produce the income tax return for the assessment year 2012 – 2013. It had been stated that instead of producing the said income tax return, the respondent / plaintiff produced a certificate from a Chartered Accountant with respect to the assessment year 2014 – 2015 which is not actually the relevant assessment year.

3.Be that as it may, if the said document which is now sought to be produced is deemed to be relevant and is not produced by the respondent / plaintiff, though it is claimed that it is in their possession, then the learned Additional District Judge, Tiruvannamalai, in the course of the judgment may if there is necessary evidence regarding the same, draw necessary adverse inference as stated under Section 114(g) of the Indian Evidence Act. It is the contention of the learned counsel for the petitioner that the respondent / plaintiff is in possession of the said document and has deliberately not produced the same. Let the learned Additional District Judge, Tiruvannamalai, analyze the evidence on this particular aspect and thereafter, if circumstances warrant, and evidence is available, draw necessary inference during the course of deciding the main issues in the case.

4.With the said observations, the Civil Revision Petition is disposed of. No costs. Let the parties go back and continue with the trial process. Consequently, the connected Civil Miscellaneous Petition is closed.

14.06.2021

Internet: Yes/No

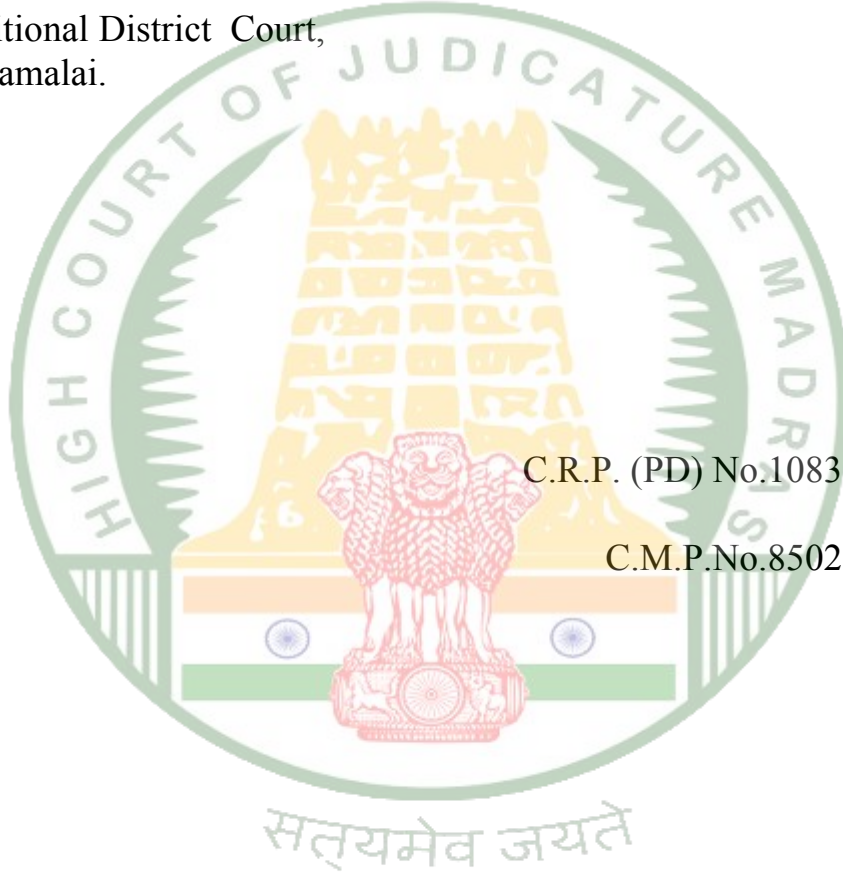
Index: Yes/No

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C.V.KARTHIKEYAN,J.

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To
The Additional District Court,
Tiruvannamalai.



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