

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P.(PD) No. 1733 of 2021
and
C.M.P.No.13471 of 2021

P. Kumaran

...Petitioner

Vs.

B. Rajeshwari

...Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow this Civil Revision Petition and to set aside the order dated 11.03.2021, passed in I.A.No.258 of 2020 in O.S.No.293 of 2005 on the file of learned Additional District Munsif Court, Cheyyar.

For Petitioner : Mr.Vishwanathan

ORDER

This Civil Revision Petition is filed to allow this Civil Revision Petition and to set aside the order dated 11.03.2021, passed in I.A.No.258 of 2020 in O.S.No.293 of 2005 on the file of learned Additional District Munsif Court, Cheyyar.

2. I.A.No.258 of 2020 was filed under Order 11 Rule 14 and 151 of CPC seeking direction to the petitioner, who is the first defendant in the suit, to produce the documents mentioned in the petition. It is seen from the affidavit filed in support of the petition, that there are claims and counter claims with regard to title of the suit property. The documents of title of first defendant is necessary for the adjudication of the case. This petition was opposed by the petitioner/first defendant on the ground that the suit is pending for examination of witnesses on the side of the plaintiff. The first defendant's documents, to prove the title will be produced when he would be called for examination, and the respondent cannot compel the petitioner to produce the document now, which is pre-mature attempt and not necessary. On considering the submissions and the materials produced, the learned Additional District Munsif, Cheyyar, allowed the petition on 11.03.2021. Against the said order, the present Civil Revision Petition is preferred.

3. The learned counsel for the petitioner submitted that the petition filed for production of document by the respondent is pre-mature one. The petitioner will produce the documents when his turn comes for giving evidence. Further, the respondent cannot compel him to produce the said

document, by passing the rules of evidence. No written notice to produce document was given before filing this petition. Petition filed by passing the rules with regard to production of documents cannot be entertained. However, the learned Additional District Munsif, Cheyyar, wrongly allowed the petition on 11.03.2021. Therefore, he prays for setting aside the order dated 11.03.2021, passed in I.A.No.258 of 2020 in O.S.No.293 of 2005 on the file of learned Additional District Munsif Court, Cheyyar.

4. It is true that certain procedural aspect with regard to production of documents had been violated before filing the petition. These documents are registered documents. The respondent can very well obtain the registration copies of the documents, if she wants to peruse the same and use it for any purpose in trial. There is no reason stated, as to why these documents are necessary at this stage, when the case is pending for evidence of PW1.

5. Be that as it may be, the learned counsel for the petitioner submitted that the petitioner will produce his documents, especially the documents mentioned in the petition, when he will give evidence after completion of the plaintiff side evidence.

6. In view of the submission, this court is of the considered view that there is no necessity to set aside the order. The learned counsel for the petitioner also submitted that the case is pending from 2005 and a time line may be fixed for disposal of this case. It is referred in the order dated 11.03.2021 passed in I.A.No.258 of 2020 in O.S.No.293 of 2005 that there is already a direction by this court for completing the trial within the time line. It is again reiterated that the learned Additional District Munsif, Cheyyar, is directed to dispose of the suit as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

7. Accordingly, this Civil Revision Petition is disposed of. Consequently, connected miscellaneous petition stands closed. No costs.

ep/Jer

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Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No

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G.CHANDRASEKHARAN, J.

This matter was taken up today under the caption "for being mentioned."

2. The learned counsel for the petitioner seeks clarification as to whether the petitioner has to produce the documents sought to be produced in I.A.No.258 of 2020.

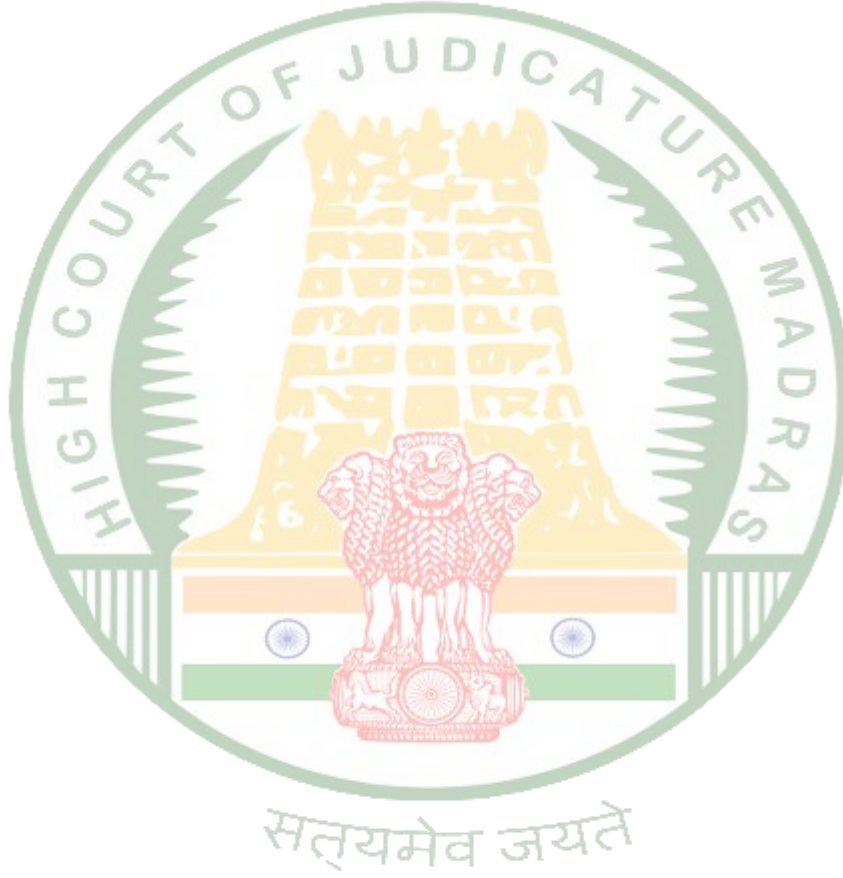
3. It is made clear that the petitioner shall produce the documents sought for in I.A.No.258 of 2020, when the petitioner's turn comes for giving evidence.

21.10.2021

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To
1. The Additional District Munsif,
Cheyyar.
2. The Section Officer
VR Section,
High Court of Madras.



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G.CHANDRASEKHARAN.J.



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