

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2021

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

**C.R.P.(P.D) No. 1854 of 2021
and
C.M.P.No.14458 of 2021**

Jayalakshmi ...Petitioner

Vs

1.N.Rangasamy
2.V.K.Perumal

...Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 06.03.2020, in I.A.No.211 of 2017 in O.S.No.83 of 2016, passed by the learned III Additional District Judge, (Motor Accident Claims Tribunal/III Additional District and Sessions Court), Tiruppur, at Dharapuram.

For Petitioner : Mr.N.Ponraj

ORDER

This Civil Revision Petition is filed, to set aside the order dated 06.03.2020, in I.A.No.211 of 2017 in O.S.No.83 of 2016, passed by the learned III Additional District Judge, (Motor Accident Claims Tribunal/III

Additional District and Sessions Court), Tiruppur, at Dharapuram.

2. The affidavit filed in support of I.A.No.211 of 2017 in O.S.No.83 of 2016, shows that the petitioner filed this application to send the entire case bundle in O.S.No.221 of 1989 on the file of the Subordinate Court, Dharapuram and A.S.No.123 of 2001, on the file of the District Court, Erode, in order to produce them in the suit in O.S.No.83 of 2016, now kept at the record room at District court, Erode.

3. Reasons stated by the petitioner is that the respondents/defendants are claiming 1/3rd share in the suit property belonging to the petitioner's father late Mr.Kalimuthu Pillai, on the basis of the proceedings in O.S.No.221 of 1989. There is an appeal against the judgement in O.S.No.221 of 89 in A.S.No.123 of 2001. The petitioner filed I.A.No.211 of 2017 in O.S.No.83 of 2016, praying for every documents, pleadings, summons, petition and orders passed in O.S.No.221 of 1989 and A.S.No.123 of 2001 to prove his case. Further, the learned counsel for the petitioner submitted that the petitioner disputes the signature of the petitioner's father in the compromise deed and the same needs to be sent to

the hand writing expert's opinion. Therefore, he prays to allow this Civil Revision Petition.

4. The I.A.No.211 of 2017 in O.S.No.83 of 2016, was contested by the respondents alleging that the petitioner could have obtained certified copies of the documents which are required by him to produce before the Trial Court. It is not necessary to send the entire records. Considering the rival submission, the learned III Additional District Judge, Tiruppur, at Dharapuram dismissed the I.A.No.211 of 2017 in O.S.No.83 of 2016, on 06.03.2020. Hence, this Civil Revision Petition is preferred.

5. Considered the submissions made by the learned counsel for the petitioner and perused the records.

6. As narrated above, the petitioner wants every document, pleadings, summons, petition and orders passed in O.S.No.221 of 89 and A.S.No.123 of 2001, to show that the respondents/defendants are claiming one third share in the suit property belonging to the petitioner's father late

Mr.Kalimuthu Pillai. It appears that, allotment of shares was ordered in final decree in O.S.No.221 of 1989. The judgments in O.S.No.221 of 89 and A.S.No.123 of 2001 are enough to prove the case of the petitioner, or dispute the case of the respondents. It is not known why the petitioner wants every document, pleadings, summons, petition and orders passed in O.S.No.221 of 1989 and A.S.No.123 of 2001 proceedings. The petitioner can very well obtain certified copies of these documents and produce it in O.S.No.83 of 2016 before the Trial Court. Apparently, it shows that this petition in I.A.No.211 of 2017, was filed only to protract the proceedings and it is a clear abuse of process of law. This court finds that there is absolutely no valid reason for filing the I.A.No.211 of 2017 in O.S.No.83 of 2016 and the said petition is rightly dismissed by the learned III Additional District Judge, Tiruppur, at Dharapuram. This court does not want to interfere with the order dated 06.03.2020, in I.A.No.211 of 2017 in O.S.No.83 of 2016, passed by the learned III Additional District Judge, Tiruppur, at Dharapuram and confirms the said order. However, the petitioner is entitled to receive certified copies of the documents and produce it before the Trial court. If there is an application filed, to send the

compromise deed for hand writing expert's opinion for ascertaining the signature of petitioner's father with the admitted signature, the original compromise deed may be sent for the limited purpose of hand writing expert's opinion.

7. Accordingly, this Civil Revision Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

ep/Jer

09.09.2021

Index:Yes/No

Internet:Yes/No

Speaking Order: Yes/No

To

1.The Motor Accident Claims Tribunal/III Additional District
Sessions Court,

Tiruppur, Dharapuram.

2. The Section Officer,

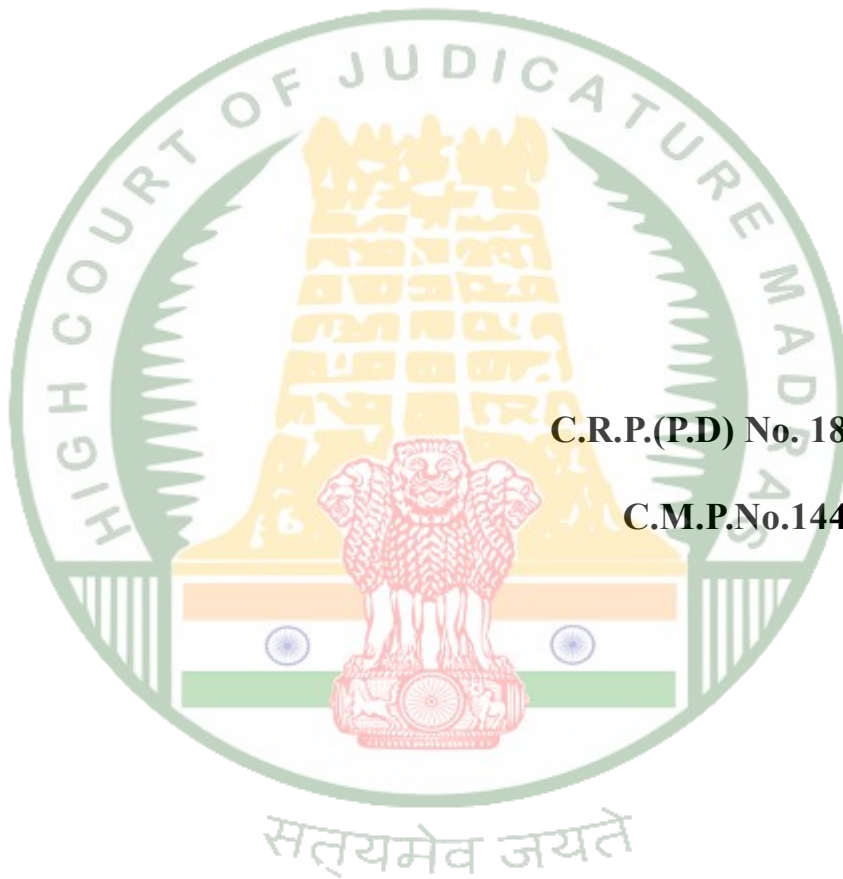
VR Section,

High Court of Madras.

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G.CHANDRASEKHARAN.J,

ep



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