



C.R.P.No.3237 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.3237 of 2022
and C.M.P.No.17169 of 2022

1. Venkatalakshmi
2. Rajavel

.. Petitioners

Vs.

1. Vasuki
2. Janaki Rani
3. Janani Kumari

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, pleased to set aside the fair and decreetal order dated 01.07.2022 made in I.A.No.2 of 2021 in O.S.No.426 of 2014 on the file of the learned III Additional District Judge, Coimbatore.

For Petitioners : Mr.P.R.Balasubramanian

ORDER

The Civil Revision Petition is filed challenging the order passed by the Court below dismissing the petition filed by the petitioners in I.A.No.2 of 2021 seeking a direction to the respondents to produce two documents, namely bank statement relating to the alleged advance received by them under a sale agreement dated nil and Will dated nil alleged by the plaintiff in O.S.No.1047 of 1996.



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2. A reading of the order impugned in this revision would suggest that the petition in I.A.No.2 of 2021 was dismissed by the Court below on the ground that the sale agreement entered into between the respondents 2 and 3 / plaintiffs and one Kannan and the consideration received under the documents are not at all relevant facts to the subject matter of the suit as it is a suit for partition. As far as the second document is concerned, the Court below observed that the petitioners had not mentioned the date of the Will sought to be produced and the same is not relevant to the facts in issue between the parties.

3. A reading of the petition filed by the revision petitioner in I.A.No.2 of 2021 would suggest that the petitioners had not mentioned the documents which are sought to be produced by them, though in the affidavit they had mentioned the documents sought to be produced. It is always open to the revision petitioners to issue a notice to produce the documents and if not produced, request the Court to draw adverse inference. It is open to the petitioners to contend that the Court below has to draw adverse inference against the respondents. However, it is not open to the revision petitioners to seek production of documents by filing a petition before this Court or compel respondents to produce those documents. Therefore, this Court does not find



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any infirmity or illegality in the order passed by the Court below.

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4. Accordingly, the Civil Revision Petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

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Index: Yes/ No

Internet : Yes / No

To

The III Additional District Court, Coimbatore.



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S.SOUNTHAR, J.

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