



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P(MD).No.1482 of 2021 and
CMP(MD).No. 8228 of 2021

1.A. Jasmine
2.M.Wilson
3.A.James Jayaprakash : Petitioners / defendants

Vs.

A. Mangalam : Respondent / Plaintiff

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 17.04.2021 made in I.A.No.115 of 2019 in O.S.No.10 of 2017 on the file of the Additional District and Sessions Judge, Thanjavur.

For petitioners : Mr. V. Sasikumar
For respondent : Mr. P. Vadivel

ORDER

The revision petitioners / defendants filed this Revision to set aside the order, dated 17.04.2021 made in I.A.No.115 of 2019 in O.S.No.10 of 2017 on the file of the Additional District and Sessions Judge, Thanjavur.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The revision petitioners / defendants have filed the said Interlocutory Application in I.A.No.115 of 2019 to direct the respondent / plaintiff to produce the documents mentioned in the petition. Originally in the plaint it has been stated that first defendant issued a cheque and the cheque was disclosed. After returning the plaint, she strike out those lines and filed the present plaint before the Court below and the plaint was also numbered. Now, the petitioners seeking the document stated in the original plaint, which was struck up by the respondent / plaintiff. The petitioners cannot compel the respondent / plaintiff to produce those documents and hence, the trial Court has rightly dismissed the said Interlocutory Application.



4. The revision petitioners have also filed a petition to reject the plaint on the ground that the plaint does not disclosed the cause of action and the same is still pending. So, the petitioners may proceed under Order 7 Rule 11 CPC and also point out the facts at the time of cross examination of PW.1 and they cannot compel the respondent / plaintiff to produce the documemnts. This Court is not inclined to interfere with the order passed by the Court below.

5. Accordingly, this Civil Revision Petition is dismissed by confirming the order, dated 17.04.2021 made in I.A.No.115 of 2019 in O.S.No.10 of 2017 on the file of the Additional District and Sessions Judge, Thanjavur. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To

The Additional District and Sessions Judge, Thanjavur.

+1 CC to M/s.V.SASI KUMAR, Advocate (SR-13805[F] dated 23/03/2022)
C.R.P(MD).No.1482 of 2021 and
CMP(MD).No. 8228 of 2021
22.03.2022

MGJ(01.04.2022) 2P 3C