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C.R.P.No.145 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.145 of 2023

Devarajan

... Petitioner

Vs

1.Janarthanan

2.Kalavathi

3.Rajanbabu

4.Sangeetha

5.The General Manager

6.The General Manager Oil (Company),
Indian Oil Corporation Ltd.,
Indian Oil Bhavan, T.N.S.O.,
No.139, Nungambakkam,
Chennai-34,
Rep.by power of Attorney Karthick,
Senior Retail Sales Manager,
Trichy Division Office, IOC.

... Respondents



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Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order dated 15.09.2022, passed in I.A.No.824 of 2021 in O.S.No.29 of 2013, on the file of the Court of the Principal Sub-ordinate Judge, Kallakurichi and allow the above Civil Revision Petition.

For Petitioner : Mr.B.Bala Vijayan for
M/s.C.S.Associates

ORDER

The Civil revision petition is filed against the order dated 15.09.2022 passed in I.A. No.824 of 2021, in O.S. No.29 of 2013. The revision petitioner is the plaintiff who instituted a suit for declaration and permanent injunction.

2. During the pendency of the suit, the revision petitioner filed an Interlocutory Application in I.A. No.824 of 2021 under Section 151 of CPC, to submit the accounts of RVN agencies since 15.12.1980 till date. The Trial Court adjudicated the Interlocutory Application and found that the defendant denied the relation of the plaintiff with the suit property. Further the defendant in the suit objected that the accounts were closed on



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17.04.2001, and therefore, the plaintiff has to establish the availability of the accounts or otherwise during the course of the trial.

3. When the first defendant has stated that the accounts are not available with him and it was closed in the year 2001, it is for the plaintiff to establish his case through documents and evidence or otherwise. The Trial Court cannot compel the first defendant to produce the accounts which are stated as not available with him. Thus, this Court does not find any infirmity in respect of the findings made in the order impugned.

4. Accordingly, the order dated 15.09.2022 passed in I.A. No.824 of 2021, in O.S. No.29 of 2013 stands confirmed, thus the Civil Revision Petition in C.R.P.No.145 of 2023 stands dismissed. However, there shall be no order as to costs.

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25.01.2023

Speaking Order

Internet : Yes

Index: Yes

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S.M.SUBRAMANIAM, J.

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Copy to:

Principal Sub-ordinate Judge, Kallakurichi.

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