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C.R.P. No.520 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.520 of 2023

Dr.S.Ramesh,
S/o. E. Sankaran

... Petitioner

Versus

1. Mr. Rangasamy,
S/o. Thimmaian

2. Mrs. R. Vijayalakshmi @ Viji Babu,
W/o. P.R.Ravichandran

3. Mr.P.R.Ravichandran,
S/o. Ramasamy Iyer

... Respondents

PRAYER : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the order dated 13.12.2022 passed in G.No.7245 of 2022 in O.S.No. 53 of 2021 on the file of the Court of Principal District Judge, Chengalpattu and thereby direct the Court of Principal District Judge, Chengalpattu to issue certified copies of the following documents to the petitioner :-



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1. Complaint filed in the above O.S.No. 53 of 2021
2. Legal notice dated 28.12.2020 issued by Mr. Raghu Raj, Advocate to Mrs.Vijayalakshmi and Mr.P.R. Ravichandran
3. Reply dated 06.01.2021 sent by Mr.P.R.Ravichandran to Mr.Rangasami and others
4. Rejoinder notice dated 18.01.2021 issued by Mr. Raghu Raj, Advocate to Mr. P.R.Ravichandran.

For Petitioner : Mr.Gowthama Narayanan

ORDER

This Civil Revision Petition has been filed challenging the impugned order passed by the trial court in I.A.No. 3 of 2022 dated 13.12.2022. As a third party, the Revision Petitioner filed the copy application seeking certified copies of complaint, legal notice, reply notice, rejoinder notice filed in the suit in O.S.No. 53 of 2021 by the 1st respondent/plaintiff herein.

2. The contention of the Revision Petitioner is that he purchased the property pertaining to T.S.No.9/3B to an extent of 1242 sq.ft. and



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challenging the cancellation of patta belongs to his property, he preferred an appeal before the Settlement Officer. Now, the present suit in O.S.No.53 of 2021 is pending on the file of Principal District Judge, Chengalpattu, in which the plaintiff has stated about the fact, how he obtained patta by spending money and hence, in order to prove his defence before the appellate authority, the Revision Petitioner has made a copy application seeking to furnish plaint copy and other connected documents, but the trial court simply rejected the same as he is a third party and also he is not a party to the suit in O.S.No.53 of 2021 and furthermore, survey numbers of the property also not tallied. Challenging the said findings, he filed the present Civil Revision Petition.

3. On seeing the facts, the Revision Petitioner filed a copy application as a third party and sought the documents for submitting the same before the Settlement Officer to prove his case. The main contention of Revision Petitioner is that the plaint averment would clearly reveals that how Rangasamy, the 1st respondent herein has obtained the patta and in order to prove his defence, he wanted to produce the said copies before the trial



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court. But, however, there is no possibility of hindrance to parties of the suit in both proceedings, only the plaint averment, the Revision Petitioner relied on. Therefore, the return made by the trial judge is set aside and the copy application ordered to be complied with as per manner known to law within a period of two weeks from the date of receipt of copy of this order. Registry is directed to return the original copy application to the petitioner. Accordingly, this Civil Revision Petition is allowed. No costs.

16.03.2023

Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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To

The Principal District Judge,
Chengalpattu.



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T.V.THAMILSELVI, J.

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