



C.R.P.No.1567 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No.1567 of 2016
and C.M.P.No.2667 of 2022

A.S.Baskaran
representing

1. Muneer Ahmed
2. Zarina Parveen (Died)
3. Zaghidha Parveen
4. Shahida Parveen
5. Yasmeen Sulthana
6. Zeenath Praveen
7. Irshad Ahmed
8. S.Nasira Anjum
9. Nageena Bathool
10. Aiysha Siddiq
11. Faiz Ahmed
12. Shadab Ahmed
13. Hatsa Nazneen
14. Madeehs Farheen
15. Ameena Altaf Hussain



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16. Amina Ulfath Javeen Mohammed Asalam

17. Shazia Afrin

18. Shabreena Nadeem

19. Athif Hussain

P15 to P19 brought on record as
Lrs of the deceased P-2 viz., Zarina
Parveen vide Court order dated
08.12.2022 made in C.M.P.No. 2669
of 2022 in C.R.P.No.1567 of 2016

... Petitioners

Vs.

1. S.Aravindan

2. Sunny Exports

Rep by its Proprietress,
Josephine,
No.6, Harleys Road,
Kilpauk,
Chennai - 600 010.

3. Bharat Impex Pvt. Ltd.,

Rep by its Managing Director,
Srinivasa Rajan,
No.8-A, Vepery High Road,
Chennai – 3.

4. Mallika Kannan

5. M/s.Aravind Leathers Exports Pvt. Ltd.,

rep. by its Managing Director,
Sampath,
No.14, Halls Road,
Kilpauk, Chennai – 10.



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6. M/s. Exquisite Exports Limited,
rep. by its Director
Srinivasa Raghavan,
No.62/2, Jeremiah Road,
Vepery, Chennai – 600 044.

7. S.Sudharsan

8. A.Gomathi Shankar,

9. A.Mubarak Ali

10. Sadyan Anarkali Begum

11. P.K.Udhuman Mohideen

... Respondents

Prayer :- Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the order dated 02.03.2016, made in I.A.No.83 of 2016 in O.S.No.126 of 2016 on the file of the learned Subordinate Judge, Tambaram, thereby allowing the same.

For Petitioner : Mr.T.S.Vijaya Raghavan

For Respondents

For R1 to R6 : Mr.S.Raghavan

For R7, R8 & R11 : Mr.M.Balakrishna

R9 & R10 : Given up vide

order dated 26.11.2021

ORDER

This Civil Revision Petition has been filed as against the fair and decreetal order dated 02.03.2016, passed by the learned Subordinate



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Judge, Tambaram, in I.A.No.83 of 2016 in O.S.No.126 of 2016, thereby partly dismissing the petition filed by the petitioner to direct the respondents to produce documents.

2. The petitioners are the plaintiff and the respondents are the defendants. The petitioners filed suit in O.S.No.126 of 2010 for declaration declaring that the sale deed registered vide document Nos.3574 to 3577 of 1996 on the file of the Sub Registrar, Pallavaram as null and void, having no legal effect as against the petitioners and for consequential permanent injunction in respect of the suit property.

3. When the suit was posted for filing draft issues, a notice to produce documents in form No.7 as contemplated under Order 11 Rule 15 and 16 of C.P.C., was given to each of the counsel appearing for the respondents and list of documents were given in the notice to produce the same. However, the respondents failed to do the same and hence the petitioners filed petition under Order 11 Rule 18 of C.P.C., to direct the respondents to produce the documents for inspection except the documents



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which were not disputed. The Court below partly allowed the said petition and directed the respondents to produce remaining documents for inspection as contemplated under Order 11 Rule 18 of C.P.C., except the certain documents mentioned in the petition. Aggrieved by the petitioner the petitioners filed this present Civil Revision Petition.

4. Heard Mr.T.S.Vijaya Raghavan, learned counsel appearing for the petitioners Mr.S.Raghavan, learned counsel appearing for the respondents 1 to 6 and Mr.M.Balakrishna, learned counsel appearing for the respondents 7, 8 & 11.

5. On perusal of records revealed that though the Court below partly allowed the petition filed by the petitioners and directed the respondents to produce certain documents, the Court below failed to mention that if the respondents not produce the documents, the Court below can very well draw an adverse inference as against the respondents herein.



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6. Accordingly, it is recorded that if the respondents failed to produce the sale deeds during the trial, the trial Court can very well draw adverse findings as against the respondents herein. It is also made clear that on production of the documents, the petitioners are at liberty to file appropriate petition to get hand writing expert's opinion, if they disputed the signature.

7. With the above observations, the Civil Revision Petition stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

09.01.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts



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WEB COPY To

1. The Subordinate Judge,
Tambaram



WEB COPY



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G.K.ILANTHIRAIYAN, J.

rts

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