



C.R.P.No.3139 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2023

CORAM

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

C.R.P.No.3139 of 2016
and C.M.P.No.15939 of 2016

K.Palanivel

... Petitioner

Vs.

1. Nagalakshmi
2. Sunder Babu
3. Thanga Suleka Umma
4. Seeni Ibrahim
5. A.Siddiq Ayisha
6. Abdul Kasim
7. Vijayalakshmi Sabesan
8. P.M.Ahammed Yasin
9. P.M.Ahammed Kamali

... Respondents

Prayer :- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 17.02.2016 in E.A.No.73 of 2015 in E.A.No.129 of 2013 in E.P.No.79 of 2007 in O.S.No.789 of 1996 pending on the file of the learned District Munsif, Ambattur, by allowing this Civil Revision Petition.

For Petitioners : Mr.AR.Balaji



C.R.P.No.3139 of 2016

For Mr.B.Vijay

For Respondents

For R2 : Mr.M.R.Uma Vijayan

For R1, R3 to R9 : No appearance

ORDER

The Civil Revision Petition has been filed as against the order dated 17.02.2016 passed by the learned District Munsif, Ambattur, in E.A.No.73 of 2015 in E.A.No.129 of 2013 in E.P.No.79 of 2007 in O.S.No.789 of 1996, thereby dismissing the application filed to call for the documents from the Courts records.

2. The petitioner is not a party to the suit proceedings between the respondents 1 & 2. The first respondent is the decree holder and the second respondent is the obstructor. The first respondent filed petition to remove the obstruction. The petitioner also being the obstructor filed an application under Order 13 Rule 10 of C.P.C., thereby seeking direction to call for the documents in O.S.No.789 of 1996. The trial Court dismissed the said application, as against which the present Civil Revision Petition.



C.R.P.No.3139 of 2016

3. Heard Mr.AR.Balaji, learned counsel appearing for the petitioner and Mr.M.R.Uma Vijayan, learned counsel appearing for the second respondent.

4. On a perusal of records revealed that the first respondent filed suit in O.S.No.789 of 1996 and he obtained decree of declaration and delivery of possession. Admittedly, the petitioner is not a party to the said suit. The decree holder viz., the first respondent filed an application to remove the obstruction. When the petitioner is not a party to the proceedings, he cannot filed petition under Order 13 Rule 10 of C.P.C. That apart, the first respondent filed the suit and obtained decree. If any requirement, the trial Court can very well call for the documents and verify those documents in order to identify the same. Therefore, the trial Court rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the Court below.



C.R.P.No.3139 of 2016

5. Accordingly, the Civil Revision Petition stands dismissed.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

06.02.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts



C.R.P.No.3139 of 2016

WEB COPY To

1. The District Munsif,
Ambattur.



WEB COPY



C.R.P.No.3139 of 2016

G.K.ILANTHIRAIYAN, J.

rts

C.R.P.No.3139 of 2016
and C.M.P.No.15939 of 2016

06.02.2023