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C.R.P.No.3593 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.3593 of 2022

and

C.M.P.No.19069 of 2022

Suseela Nagar Resident's Welfare Association,
Kovilambakkam, Rep.by its Secretary,
Having Office at No.18, 12th Street,
G.A.Ruby Enclave, Kovilambakkam,
Chennai – 117.

... Petitioner

Vs.

S.D.Properties,
Rep.by S.Dhanraj S/o.Sowrirajulu
No.134, Vanchinathan Street,
Annai Indira Nagar, Velacherry,
Chennai – 600 042.

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the Fair and Decreetal Order dated 26.08.2022 in I.A.No.1 of 2022 in O.S.No.917 of 2010 on the file of Principal District Munsif Court, Alandur.

For Petitioner

: Mr.R.Subramanian

For Respondent

: Mr.V.Ayyappa Raja



ORDER

The Civil Revision Petition has been filed against the Fair and Decretal Order dated 26.08.2022 in I.A.No.1 of 2022 in O.S.No.917 of 2010 on the file of Principal District Munsif Court, Alandur.

2. The revision petitioner is the plaintiff, who instituted a suit for Declaration and permanent injunction. During the pendency of the suit, the revision petitioner filed an Interlocutory Application under Order 16 Rule 1 of C.P.C., to issue witness summon for the appearance of the Block Development Officer of the St.Thomas Mount Panchayat with relevant records for letting evidence on the side of the plaintiff. However, a similar Interlocutory Application was filed on earlier occasion and the Block Development Officer namely Mr.Ramesh Babu was summoned and the said Mr.Ramesh Babu, P.W.2 was examined by the plaintiff in full.

3. The learned counsel for the revision petitioner states that during the cross-examination of the Block Development Officer, he had failed to submit the revenue documents before the trial Court and thereafter, the documents were not produced. Thus, the revision petitioner filed subsequent Interlocutory Application to summon the Block Development Officer for the



purpose of production of all the relevant records.

4. The trial Court adjudicated the grounds raised in the Interlocutory Application and found that even on earlier occasion, the Block Development Officer namely Mr.Ramesh Babu, PW2 was examined by the learned counsel for the plaintiff in full and X4, unapproved layout copy was marked and the learned counsel for the respondent had cross-examined the said Block Development Officer in part and marked Ex.X5, being the summon to the Block Development Officer. That apart, the Block Development Officer, who deposed before the Court was transferred subsequently and again summoning the other Block Development Officer would not serve any purpose.

5. That apart, the revision petitioner/plaintiff, who instituted the suit, is expected to establish his case through documents and evidences. All such revenue records may be produced by the plaintiff by getting a certified copy or otherwise in the manner known to law. Contrarily, the revision petitioner cannot summon the Government authorities for the purpose of providing all such revenue records to establish his case.



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6. Such a practice cannot be encouraged and in such circumstances, the parties are at liberty to get the certified copies of the revenue records and produce the same before the Court concerned for the purpose of establishing their case. Thus, the findings of the trial Court is in consonance with the principles and there is no perversity as such.

7. Accordingly, the Fair and Decretal Order dated 26.08.2022 in I.A.No.1 of 2022 in O.S.No.917 of 2010, pending on the file of Principal District Munsif Court, Alandur stands confirmed and consequently, the Civil Revision Petition stands dismissed. No costs. Connected miscellaneous petition is closed.

31.01.2023

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Index : Yes
Speaking order
Neutral Citation : Yes

To

1. The Principal District Munsif Court,
Alandur.



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S.M.SUBRAMANIAM, J.

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