



C.R.P.No. 4586 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM:

THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI

C.R.P.No. 4586 of 2023

and

C.M.P.No.27429 of 2023

T.Paul Christopher

.. Petitioner

Vs

1.S.Siva Priya

2.K.Paramasivam

3.E.Govindasamy

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair order dated 28.07.2023 made in I.A.No.3 of 2023 in O.S.No.320 of 2017 on the file of learned District Munsif, Chengalpattu.

For Petitioner : Mr. N. Ponraj

ORDER

This Civil Revision Petition is filed challenging the order passed in I.A.No.3 of 2023 in O.S.No.320 of 2017, the plaintiff has preferred this revision.



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2. Before the trial Court, the plaintiff / petitioner herein filed an application to summon the General Manager, Metropolitan Transport Corporation (then Pallavan Transport Corporation) to produce the documents of the plaintiff / petitioner herein.

3. According to the plaintiff / petitioner herein, the alleged sale deed is executed by way impersonation. To prove that he was on duty, he wants to summon those documents but the trial Judge dismissed the application by stating that after 32 years, the petition as such is not maintainable since there is no possibility of those documents available at the General Manager, Metropolitan Transport Corporation (then Pallaavan Transport Corporation). Challenging, the said finding, the plaintiff has preferred this revision.

4. The learned counsel for the petitioner submits that to prove that he was on duty, those documents are necessary for him.



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5. Admittedly, the trial was commenced, at that time the application was filed to produce certain documents, to show that he was on duty on the date of execution. Whether those documents available or not it is up to the Transport Corporation to come and report before the Court. Therefore, if opportunity is not given to the plaintiff / petitioner herein, to prove his claim before the Court, his valuable right will be defeated. Therefore, the order passed by the trial Judge in I.A.No.3 of 2023 in O.S.No.320 of 2017 is set aside. Batta within two weeks.

6. In the result, the Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

13.12.2023

Index :Yes/No

Neutral Citation :Yes/No

AT

To

The District Munsif, Chengalpattu.



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T.V.THAMILSELVI, J.

AT

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