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CRP No.4534 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.11.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Civil Revision Petition No.4534 of 2023
and
CMP.No.27144 of 2023

1.P.Jayakumar
2.P.Rajkumar

... Petitioners

Versus

N.Mohan Babu

... Respondent

Civil Revision Petition filed Under Article 227 of Constitution of India, praying to set aside the docket order dated 20.10.2023 made in I.A.No.3 of 2023 in O.S.No.869 of 2022 on the file of the IV Additional District Court, Coimbatore.

For Petitioner : Mr.Raghu D

ORDER

The petitioner has filed this petition to set aside the docket order dated 20.10.2023 made in I.A.No.3 of 2023 in O.S.No.869 of 2022 on the file of the IV Additional District Court, Coimbatore.

2. Heard, Mr.D.Raghu, learned counsel for the petitioner and perused

the materials available on record.

<https://www.mhc.tn.gov.in/judis>



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3. Before the trial Court the plaintiff has filed an application to directed the 2nd defendant to cause production of the documents dated 12.12.2014 viz., sale deed and another one lapsed sale agreement executed by plaintiff in favour of defendants 1 & 2, that application was taken on file by the learned trial Judge without giving opportunity to other side and the same was allowed by giving direction to produce the documents. Aggrieved by the said order the revision petitioners / defendants have preferred this revision petition.

4. The Docket order passed by the learned trial Judge is perused. It is true, that the plaintiff has filed an application to cause production of the documents from the 2nd defendant, though notice was given to the defendants, but without raising any objection on the side of the defendants whether the said documents are available with them or not. The learned trial Judge erroneously gave a direction to produce the documents and as such, the same is liable to be set aside.

5. Hence, the docket order dated 20.10.2023, made in I.A.No.3 of 2023 in O.S.No.869 of 2022 passed by the learned trial Judge is set aside. The learned trial Judge is directed to give opportunity to the revision petitioner to file an objection and then dispose of the case on merits an in accordance with



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law.

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6. Accordingly, this Civil Revision petition is allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

28.11.2023

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation: Yes/No
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To

1. The IV Additional District Judge,
Coimbatore.
2. The Section Officer,
VR-Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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