



C.R.P(MD)No.937 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.04.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.937 of 2023

and

C.M.P(MD)No.4324 of 2023

M.Rajasekaran

... Petitioner/Plaintiff

Vs.

1.Aruna Devi

2.Chellappa

... Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records pertaining to the docket order, dated 04.01.2023 passed in O.S.No.720 of 2015 on the file of the Additional District Munsif Court, Madurai Town, Madurai and set aside the same as illegal.

For Petitioner : Mr.S.Ayyanar Prem Kumar

ORDER

The petitioner has filed the present civil revision petition against the docket order, dated 04.01.2023 passed in O.S.No.720 of 2015 on the file of the Additional District Munsif Court, Madurai Town, Madurai.

The relevant portion of the docket order reads as under:



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"4. The case is pending for Trial. The plaintiff has filed received documents petition in I.A.No.166 of 2021 and same also pending. At the stage one Soundrapandian has filed party impleading petition in I.A.No.459 of 2021 stating the plaintiff has sold part of his house to him by sale deed dated 09.01.2019. The suit case filed in the year 2015. Hence, pending trial, the portion of house of the plaintiff has sold to one Soundrapandian. The plaintiff has not stated the purpose for which the documents required to be produced by the defendants. The case is pending for trial only and the defendant also undertake the produce the said documents. Hence the documents should have been produced even during the defendants side evidence. This Court records undertaking given by the defendants and inclined to close this memo."

2. The petitioner has filed the above suit for permanent injunction to restrain the respondents from interfering with the peaceful possession of the suit schedule property.

3. The respondents, who are the defendants before the Additional District Munsif Court, Madurai have filed a written statement stating that the vendor of the defendants, namely, Indira purchased Plot No.17 from one Vengubai under a sale deed, dated 27.02.1987 for valuable consideration and she has constructed a building in the plot by obtaining plan approval from Madurai East Panchayat Union and that said Indira sold the plot to the first respondent under sale deed, dated 29.01.2010. Pursuant to which, the first respondent obtained permission from



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Melamadai Panchayat on 19.09.2011 for putting additional construction in the property.

4. Under these circumstances, the petitioner at the time of commencement of trial issued a notice to the respondents to produce the copy of the approved plan given by Madurai East Panchayat union to the respondents' vendor and the subsequent approval given to the first respondent on 19.09.2011 by Melamadai Panchayat for putting up additional construction.

5. The procedure under Order 11 Rule 14 of C.P.C contemplates that at any time during the pendency of any suit it shall be open for the Court to order production of any party thereto, upon oath, of such documents in his possession or power relating to any matter in question to such suit, as the Court shall think right and the Court may deal with such documents when produced in such manner as shall appear just.

6. In my view, the docket order rejecting the request of the petitioner is not in accordance with the provisions of Order 11 Rule 18 of C.P.C. However, it was incumbent on the part of the petitioner to have



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filed separate interlocutory application for production of documents in accordance with the provisions of Order 11 Rule 14 and 18 of C.P.C. The petitioner has only served a memo on the opposite party to produce a document while the opposite party refused to respond to the memo. It is open for the petitioner to file an I.A.

7. Therefore, the present civil revision petition stands disposed of at the time of admission by directing the petitioner to file an appropriate I.A. for production of documents referred to in the memo. If such application is filed, the Trial Court shall dispose of the same in accordance with the provisions of Order 11 Rule 14 and 18 of C.P.C. No costs. Consequently, connected miscellaneous petition is closed.

06.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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WEB COPY To

- 1.The Additional District Munsif Court,
Madurai Town, Madurai.
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

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