



C.R.P(MD)No.1385 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.06.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.1385 of 2023

P.Kavitha

...Petitioner/Petitioner/
Petitioner

Vs.

1.B.Manjula Devi

2.The Assistant Returning Officer,
K.Abhishekapuram Division,
Urban Local Body Elections to Tamil Nadu, 2022
O/o The Assistant Returning Officer/
Assistant Commissioner,
Tiruchirappalli City Municipal Corporation,
Tiruchirappalli-620 001.

3.The Returning Officer,
Tiruchirappalli City Municipal Corporation,
Urban Local Body Elections to Tamil Nadu, 2022
O/o The Returning Officer/Assistant Commissioner,
Tiruchirappalli-620 001.

4.Tamil Nadu State Election Commission,
Tamil Nadu State Election Commission,
208/2, Jawaharlal Nehru Salai,
Opposite to Koyembedu Bus Terminal,
Arumbakkam,
Chennai-600106.

...Respondent/Respondents/
Respondents



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PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the impugned fair and decreetal order dated 11.04.2023 passed by the learned Principal District Judge, Tiruchirappalli in I.A.No.5 of 2023 in Election O.P.No.107 of 2022.

For Petitioner : Mr.K.R.Nishanth
For Mr.P.Rajagopalan

For R1 : Mr.Ashwin Bala Someshwarar
Standing Counsel

For R2 & R3 : Mr.K.R.Kishore Ram
R.B.Law Associates

ORDER

The present Civil Revision Petition has been filed against the fair and decreetal order dated 11.04.2023 passed by the learned Principal District Judge, Tiruchirappalli in I.A.No.5 of 2023 in Election O.P.No. 107 of 2022.

2. The petitioner is the election petitioner in Election.O.P.No.107 of 2022 on the file of the Principal District Court, Tiruchirappalli. The copy of the election petition has not been enclosed along with the type set.

3. The petitioner filed I.A.No.5 of 2023 under Rule 76 of Civil



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Rules of Practice to issue a certificate and to direct the production of CCTV footage relating to the election to the Ward No.56, Tiruchirappalli City Corporation on 19.02.2022 and permit the petitioner to obtain certified copy on payment of necessary charges. The Court below has considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the first respondent and the official respondents.

4. The petitioner is aggrieved by the impugned order, dated 11.04.2023 passed by the learned Principal District Judge, Tiruchirappalli in I.A.No.5 of 2023 in E.O.P.No.107 of 2022 filed by the petitioner.

5. The learned counsel for the petitioner submits that it was mandatory on the part of the Court have not complied with the requirements under Rule 76 of Civil Rules of Practice.

6. The learned counsel for the first respondent submits that the impugned order is well reasoned and requires no interference. That apart, the order itself records that the application was filed by the respondent's husband and not by the respondent earlier. Thereafter, the petitioner has



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filed I.A.No.5 of 2023 under Rule 76 of Civil Rules of Practice. It is further submitted that unless the video footage are available the petitioner may not be able to substantiate the case that was made out by the petitioner in E.O.P.No.107 of 2022 before the Court.

7. A reading of the above indicate that the same is not applicable in the facts of the case. It will apply to a proceeding where proceedings are pending. Be that as it may, under Order 16 of C.P.C., the Court has ample powers under Rule 14, 15 and 16 of C.P.C. Therefore, although Rule 76 of the Civil Rules of Practice *prima facie* appears to be not applicable, the petitioner has remedy under Order 16 Rule 14, 15 and 16 of C.P.C. The petitioner ought to have filed such an application after following procedure prescribed under C.P.C.

8. In view of the above, the present Civil Revision Petition stands dismissed. However, liberty is given to the petitioner to file appropriate application under the aforesaid Rules. No costs.

26.06.2023

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

- 1.The learned Principal District Judge,
Tiruchirappalli
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

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