



C.R.P.(MD)No.2697 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2697 of 2023
and
C.M.P.(MD)No.14077 of 2023

S.Ganesamani : Petitioner/Petitioner/Defendant

Vs.

A.Ganapathy : Respondent/Respondent/Plaintiff

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records pertaining to the order in I.A.No.4 of 2021 in O.S.No.163 of 2021, dated 07.09.2023 on the file of the learned Principal District Munsif, Nagercoil and set aside the same.

For Petitioner : Mr.S.Rajasekar

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.4 of 2021 in O.S.No.163 of 2021, dated 07.09.2023 on the file of the learned Principal District Munsif, Nagercoil, dismissing the petition



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filed under Order XII Rule 2 and 8 of C.P.C, seeking direction to the plaintiff to produce the Original Lease deed in respect of plaint 'A' and 'B' schedule properties and also the original ground rent receipts from the year 2010 to 2021 issued by the Nainar Desiga Vinayagar Devasthanam Trust.

2. The respondent/plaintiff has laid the above suit claiming the relief of mandatory injunction for removal of the unlawful construction made in the pathway and for permanent injunction restraining the defendant from disputing or interfering with the plaintiff's peaceful possession and enjoyment of 'B' schedule property and also to declare that the 'B' schedule property is a private pathway belonging to the plaintiff.

3. It is also not in dispute that the plaintiff has also filed an application for temporary injunction and the petition for appointment of Commissioner and the same are pending before the trial Court. Pending above applications, the petitioner/defendant has filed an application under Order XII Rule 2 and 8 of C.P.C., for production of documents above referred.



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4. Order XII Rule 2 C.P.C., deals with notice to admit the documents and whereas Rule 8 deals with notice to produce the documents.

5. The learned trial Judge, by observing that the plaintiff has already produced the copy of the lease deed and the petitioner has not explained any necessity or relevancy for producing the Ground Rent Receipts and that the Court can very well draw adverse inference, if the plaintiff fails to produce the documents, dismissed the petition.

6. Considering the entire facts and circumstances of the case, the impugned order dismissing the petition cannot be found fault with. Hence, this Court concludes that the Civil Revision Petition is devoid of merits and the same is liable to be dismissed.

7. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

18.10.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
das



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To

- 1.The Principal District Munsif, Nagercoil.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
C.R.P.(MD)No.2697 of 2023
and
C.M.P.(MD)No.14077 of 2023

Dated : 18.10.2023