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C.R.P.No.174 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.174 of 2023

D.Stephen

... Petitioner

-Vs-

- 1.D.Elizabeth Malini
- 2.D.T.P.Shantha Kumari
- 3.D.G.Vinolia
- 4.D.Regina
- 5.K.Charles
- 6.K.Beula
- 7.K.Kingsley
- 8.S.Sheba
- 9.S.Janet

- 10.The Chairman
Tamil Nadu Slum Clearance Board
Kamarajar Salai, Chepauk, Chennai 600 005/

- 11.The Corporation of Chennai
Rep.by its Commissioner
Rippon Buildings, Chennai 600 003.

- 12.The Sub Registrar
Otteri, Sub Registrar's Office
Otteri, Chennai.

... Respondents

Prayer : Civil Revision Petition under Article 227 of the Constitution of India to direct to the Copyist Superintendent, City Civil Court, Chennai to comply the Copy Application SR.No.23775 of 2022.

For Petitioner : Mr.R.Arunkumar



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ORDER

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This CRP seeks for a direction to the XVII Assistant Judge, City Civil Court, Chennai to comply with the copy application made in C.A.No.23775 of 2022.

2. The petitioner before me is the first defendant in the suit. He wanted issuance of certified copy of certain documents for which purpose he filed C.A.No.23775 of 2022. The said Copy Application was returned with the following endorsement.

" Want correct description of documents. Hence returned. For what purpose to furnish the UMD along with the written statement. Hence returned."

3. In terms of Rule 62 of the Civil Rules of Practice and Circular Standing Orders issued by this Court in exercise of the powers vested under Section 122 of the Civil Procedure Code, a party is entitled to inspect the plaint / written statement / documents filed in the suit and obtain copies thereof. Under Rule 62 it is not essential that the documents should be accepted before the Court in order to enable the party to obtain certified copies thereof. This issue is no longer *res integra* and has been settled by a judgment of this Court in **K.R.Sengottuvelu -vs- Karuppa Naicker in C.R.P.(PD) No.883 of 2004 dated 06.09.2005**. In the said proceedings, the Hon'ble Mr.Justice A.Kulasekaran was pleased to take a



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view that the parties to a proceeding are entitled to certified copies of documents even though the documents filed along with the pleadings have not been marked.

4. The description of the documents shows that the petitioner seeks for the copy of the affidavit and the documents filed along with I.A.No.3 of 2022 and for a copy of the counter and written statements filed by the first defendant. These are all documents which have come into being after the presentation of the suit and in terms of Rule 62, in a proceedings which have been filed in Court, a party is entitled to get a copy thereof. Respectfully following the view taken by Hon'ble Mr.Justice A.Kulasekaran, this Civil Revision Petition is allowed. No costs. There shall be a direction to the XVII Assistant Judge, City Civil Court, Chennai to comply with the Copy Application in C.A.No.23775 of 2022 and issue copies thereof after following usual procedure.

03.06.2024

Index : Yes/No

Neutral Citation : Yes/No

KST

To

The XVII Assistant Judge
City Civil Court
Chennai.



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V. LAKSHMINARAYANAN, J.

KST

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