



C.R.P.No.2351 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE P.DHANABAL

C.R.P.No.2351 of 2022
and C.M.P.No.12108 of 2022

National Insurance Company Limited,
Regional Office
No.684 CSX Towers
Trichy Road,
Coimbatore – 641 005.

.. Petitioner

Vs.

1. Uma
2. Ramesh Surma

.. Respondents

Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order and decreetal order passed in I.A.No.5 of 2020 in MCOP No.1136 of 2017 dated 04.03.2022 on the file of the learned Additional District Judge No.V at Coimbatore and consequentially allow the petition with cost.



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For Petitioner : Ms.N.B.Sureka

For Respondent : Ms.K.Aswini Devi for R1

No appearance for R2

ORDER

This Civil Revision Petition has been filed as against the fair and decreetal order passed in I.A.No.5 of 2020 in MCOP No.1136 of 2017 dated 04.03.2022 on the file of the learned Additional District Judge No.V at Coimbatore.

2. The petitioner / insurance company is the third respondent in M.C.O.P.No.1136/2017 and the respondents are the claimants. According to the petitioner, the respondents have suppressed the facts in respect of income of the deceased Shanmugasundaram and the dependants of the deceased. In order to arrive at just compensation, the respondents have to produce the documents listed in the main petition. Hence, the petitioner / insurance company has filed an Interlocutory Application under Order XII Rule 8 C.P.C. in I.A.No.5/2020, directing the respondents herein to produce the documents viz., Pan card, Income Tax returns and



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compensation details received from the insurance companies, all bank passbooks and the movable and immovable properties succeeded by the respondents from the deceased Shanmugasundaram since they are essential to decide their claim.

3. The respondents have filed a counter in the said application by stating that documents mentioned by the petitioner are irrelevant and therefore the application is not maintainable and the same is liable to be dismissed.

4. The trial Court, after hearing both sides dismissed the said application. Aggrieved by the said order, the insurance company has preferred the present Civil Revision Petition.

5. The learned counsel for the petitioner would contend that the list mentioned documents are essential to decide the claim of the respondents and hence an application under Order 12 Rule 8 C.P.C. has been filed to produce the documents. However, the trial Court has dismissed the said application by stating that the respondents are the legal heirs of the



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deceased Shanmugasundaram and thereby they have right to file a claim petition and since P.W.1 was already examined and cross-examined by the petitioner, the documents sought by the petitioner are irrelevant to decide the case. The said observation of the trial Court are unsustainable and the order is liable to be set aside.

6. The learned counsel for the respondents would contend that the respondents have filed some of the documents at the time of filing proof affidavit. After elaborate cross-examination of P.W.1 by the petitioner herein, the said application has been filed by the petitioner to produce certain documents. The trial Court, after careful consideration, has correctly dismissed the said application and hence the present petition is liable to be dismissed.

7. Heard both sides and perused the materials available on record.

8. It is admitted that already P.W.1 was cross-examined and some of the documents sought for in the said application have been exhibited as petitioner's side documents in the main claim petition. It is the duty of the



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respondents to prove their case through sufficient documents in respect of their claim and the trial Court shall decide whether the claim of the respondents have been proved with sufficient documents or not and the trial Court has to decide what are all the documents essential to prove the claim of the parties. If the respondents failed to produce necessary documents, then the trial Court can decide the case on merits. Hence, the matter has to be decided after full trial.

9. It is also admitted that now trial has been commenced, evidences were produced and witnesses were examined. Since it is a summary proceedings, at this stage, an application seeking production of documents cannot be ordered. Therefore, the trial Court has correctly decided the case and dismissed the application. This Court finds no illegality or perversity in the order of the trial Court and the same does not warrant interference. The trial Court has to decide the case based on the available documents produced by the parties including the legal heirs of the deceased Shanmugasundaram.



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10. In the result the Civil Revision Petition is dismissed. No costs.

Connected miscellaneous petition is closed.

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Index: Yes / No

Speaking order / Non speaking order

Neutral Citation : Yes / No

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Copy to:

The Additional District Judge No.V,
Coimbatore.



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P.DHANABAL, J.,

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