



C.R.P.(PD).Nos.2264 & 2265 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).Nos.2264 & 2265 of 2021

and

C.M.P.No.17198 of 2021

A.Gunasekar

... Petitioner
(in both cases)

Versus

N.Subramani

... Respondent
(in both cases)

Common Prayer: Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 29.04.2021 made in I.A.Nos.1 & 2 of 2020 respectively in O.S.No.32 of 2008 on the file of the Subordinate Judge, Tiruvallur District.

For Petitioner : Mr. P. Srinivasan
(in both cases)

For Respondent : Mr. M. S. Subramanian
(in both cases)

COMMON ORDER

These Civil Revision Petitions are filed challenging the order dated 29.04.2021 passed by the learned Subordinate Judge, Tiruvallur District, in dismissing the petition in I.A.Nos.1 & 2 of 2020 in O.S.No.32 of 2008, filed



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by the petitioner/plaintiff seeking to reopen the case and to issue subpoena directing the Tahsildar, Tiruvallur to produce the documents like Grama Naththam record, Grama Naththam Citta, Adangal, “A”-Register and etc.,

2. The petitioner herein filed a suit seeking declaration of title and injunction against the respondent restraining him from interfering with the petitioner's peaceful possession and enjoyment of the suit property. The petitioner herein claiming right over the property under sale deed executed by one K. Jagadeesan. It is his case that he has been in possession and enjoyment of the property from the date of purchase. In the affidavit filed in support of the above petitions, it was stated by the petitioner that the documents mentioned in the petition are all Revenue documents which are vital documents to prove his case. Hence, he sought for reopening of case and issue of subpoena to the public officer under whose custody documents are available. The Court below dismissed the petition mainly on the ground that all the documents are public documents and the petitioner can very well produce the certified copy of the same. Aggrieved by the same, the petitioner is before this Court.



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3. The learned counsel for the petitioner submitted that the Revenue documents now sought to be produced before the Court are vital documents to prove the right of the petitioner over the suit property and it will help the Court to decide the main controversy involved in the suit.

4. The Rule 75(3) of Civil Rules of Practice is extracted hereunder

:-

“75. Production of records in the custody of public officer other than a court.-

(3) No court shall issue such a summons unless it considers the production of the original necessary or is satisfied that the application for a certified copy has been duly made and has not been granted. The court shall in every case record its reasons in writing and shall require the applicant to deposit in court, before the summons is issued, to abide the order of the court, such sum as it may consider necessary, to meet the estimated cost of making a copy of the document when produced.

.....”

5. A perusal of the above Rule extracted would indicate that the Court shall not issue a summons to the public officer unless, it is satisfied that the person seeking issue of summons applied for certified copy of the said documents and the same has not been given to him. In the case on hand, the petitioner has not stated that he had applied for certified copy of



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the documents relied upon by him.

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6. In such circumstances, in view of the non-compliance of the Rule 75(3) of the Civil Rules of Practice, the petitioner is not entitled to issue of Subpoena to the Tahsildar. Hence, I do not find any reason to interfere with the order passed by the Court below. Accordingly, the Civil Revision Petitions are dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

7. It is always open to the petitioner to apply for the certified copies of the documents from the concerned public officer and produce the same before the Court below, within a period of four weeks from today.

19.02.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Case Citation : Yes / No
klt

To
The Subordinate Judge, Tiruvallur District.



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S. SOUNTHAR. J.,

klr

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