



C.R.P. (PD)No.3347 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2024

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

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1.Kaliammal
2.M.Somasundaram
3.M.Velusamy
4.M.Aruchamy
5.Rajeswari
6.C.Ravichandran

....Petitioners

1.R.Sukrappan
2.R.Chinnasamy
3.R.Kalisamy
4.Saraswathy
5.Amaravathy
6.Rajammal
7.Tamilselvi
8.M.Jayakumar

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India praying to set aside the order and decree dated 21.07.2022 made in I.A.No.01/2022 in O.S.No.2130 of 2014 on the file of the I Additional District Munsif Court, Coimbatore.

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For Petitioner : Mr.S.Arunprasath
For RR1,3,4,5,7 and 8 : No appearance
For RR2 to 6 : Mr.R.Arunsha.

ORDER

This Civil Revision Petition has been filed by the petitioners to set aside the order and decree dated 21.07.2022 made in I.A.No.01/2022 in O.S.No.2130 of 2014 on the file of the I Additional District Munsif Court, Coimbatore directing the Tahsildar to produce the documents for deposing evidence.

2. The plaintiffs in the Suit are the revision petitioners. They have filed Suit in O.S.No.2130 of 2014 on the file of 1st Additional District Munsif, Coimbatore, to divide the properties into thirty equal shares and allot thirteen such shares to the plaintiffs. In that Suit, the petitioners herein filed I.A.No.01/2022 under Section 75 of Civil Rules of Practise directing the Tahsildar, Coimbatore (North) Taluk to produce the documents described in the schedule thereunder for deposing evidence. The said



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application was dismissed and aggrieved by the same, this revision petition is filed.

3. It is submitted by the learned counsel for the revision petitioner that in order to substantiate their case before the Trial Court, the entire records as mentioned in the schedule in I.A.No.01/2022 are to be summoned. The Court below without properly appreciating the same, had dismissed the application holding that the revision petitioners could have got certified copy of those documents. Therefore, the order of the Court below is liable to be set aside.

4. The learned counsel appearing for the respondents 2 and 6 submitted that it is a clear case of abuse of process of Court and having realised that the petitioners have no case, the petitioners have filed the application only to drag on the proceedings and there is no merit in the revision filed by the petitioners. Further under Rule 75 of the Civil Rules of Practice, when certified copies of the documents can be obtained since it is a



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public record, there is no need for summoning of those documents. Hence, the Court below has rightly dismissed the application.

5. This Court has carefully considered the rival submissions and also perused the materials available on record.

6. Considering the facts of this case, this Court is of the view that the petitioners could have produced the documents which are public records by obtaining certified copies of those documents. Therefore, the Court below has rightly dismissed the petition by holding that the certified copies are very well available in Revenue Department. The petition filed by the petitioners at the fag eng of the trial is a clear abuse of process of Court and that has been file only to drag on the proceedings and the petitioners could have filed those documents by getting certified copies from the officials and hence, the Court below has rightly dismissed the application and This Court does not find any reason to interfere with the order of the Court below.

7. In the result, the Civil Revision Petition is dismissed. No costs.



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1. I Additional District Munsif Court, Coimbatore.

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J.NISHA BANU,J.

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