



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2024

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CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP(MD)No.1082 of 2021

V.Rethinam

... Petitioner

Vs.

1.P.Santhanam

2.Sundaravadivelu

3.Balu

... Respondent

Prayer : Civil Revision Petition under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 22.03.2021 made in I.A No.676 of 2018 in O.S No.1406 of 2009 on the file of 2nd Additional District Munsif Court, Tiruchirappalli.

For Petitioner : Mr.George Raja for M/s.Ajmal Associates

For Respondents : Mr.P.Vadivel

ORDER

Heard both sides.



2.The petitioner herein figured as defendant in O.S No.1406 of 2009 on the file of the II Additional District Munsif Court, Tiruchirappalli. It was a suit for bare injunction. It was decreed exparte 06.01.2012. The plaintiff also took back all the items marked by him. While so, the defendant filed I.A No.676 of 2018 seeking copies of Ex.A4 and Ex.A5. The said I.A was dismissed vide order dated 22.03.2021. Challenging the same, this civil revision petition has been filed.

3.The learned counsel for the petitioner reiterated the contentions set out in the memorandum of grounds of civil revision petition. He would argue that the aforesaid documents are forged and that therefore, the petitioner requires them to establish his case elsewhere. He would state that whenever exhibits marked by a litigant are returned, invariably, an undertaking is obtained from him to produce them as and when called for.

4.I am not swayed by the said submission. Admittedly, the suit was decreed way back in the year 2012. The I.A was filed six years later. The court below has stated as follows :

“6.Rival submissions made by the parties were considered. It is evident from the case records that the case was disposed as early as in the year 2012 by a judgment and decree of this Court dated 06.01.2012 and thereafter, the respondents/plaintiffs had received back their documents in



RP.177 of 2012 Dt.16.01.2012. It is evident that the petitioner/defendant filed I.A.No.566 of 2013 under section 5 of the Limitation Act to condone delay of 603 days in filing petition to set aside exparte decree and the same was dismissed by this Court. This order of dismissal was challenged in C.R.P. (MD). No.1758 of 2016 before the Hon'ble High Court of Madras, Madurai Bench which was also dismissed by an order dated 29.01.2018. While so, the petitioner/defendant has filed the present petition praying for an order to direct the respondents/plaintiffs to produce the original documents marked in the original suit and to direct issuance of certified copies of Exhibits A4 and A5 to the petitioner/defendant.

7.The petitioner/defendant contends that the respondents/plaintiffs obtained an exparte decree based on forged documents and in order to prove his case before the appellate Court, he needs certified copies of the same. It is evident from the case records that the petitioner/defendant had lost his chance of setting aside the exparte decree before the Hon'ble Madras High Court, Madurai Bench and as on date, no appeal is pending in respect of the original suit before any appellate forum.

8.The petitioner/defendant had already contended about forged documents in his affidavit in C.R.P (MD).No.1758 of 2016 before the Hon'ble High Court of Madras, Madurai Bench and only after consideration of the same, the civil revision petition came to be dismissed. Hence, this Court opines that the petitioner/defendant has no bonafide intention in getting



certified copies of petition mentioned documents after a lapse of eight years from the date of the exparte judgment dated 06.01.2012. The point is answered accordingly.”

5.I am satisfied that sound and convincing reasons have been assigned by the trial court. Interference with the impugned order is not warranted. This civil revision petition is dismissed. No costs.

29.10.2024

SKM

To

1. 2nd Additional District Munsif Court, Tiruchirappalli.



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G.R.SWAMINATHAN, J.

SKM

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