



C.R.P.(PD)(MD)No.1737 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P.(PD)(MD)No.1737 of 2022

and

C.M.P.(MD)No.7618 of 2022

P.Natarajan

... Revision Petitioner/Petitioner/Defendant

vs.

S.Manivel Jayaraj

... Respondent/ Respondent/Plaintiff

Prayer:- Civil Revision Petitions filed under Section 115 of C.P.C., against the Fair and Decreetal order dated 04.08.2022 in I.A.No. 188 of 2022 in O.S.No.134 of 2014 on the file of the I Additional District Judge, Madurai.

For Petitioner : Mr.AN.Ramanathan

For Respondent : Mr.D.Malaichamy

ORDER

The Civil Revision Petition is filed with a prayer to set aside the fair and decreetal order dated 04.08.2022 in I.A.No.188 of 2022 in O.S.No. 134 of 2014 on the file of the I Additional District Judge, Madurai.



C.R.P.(PD)(MD)No.1737 of 2022

WEB COPY

2.The grievance of the petitioner is that the petitioner wants the production of the documents mentioned in the petition, which are in the nature of the minute books of the general body meeting of the respondent/plaintiff association for the period 2011-12, 2012-13 and 2013-14.

3.It is the contention of the learned counsel for the petitioner that all the objections which are raised by the petitioner are recorded in the said minutes which will buttress the case of the petitioner. Originally, the defendants had pleaded as if the Manager has taken away the said documents and already a police complaint is lodged in respect thereof. However, the complaint lodged by them is closed as 'mistake of fact' by specifically holding that no such occurrence took place. Thereafter, in the counter filed by the respondent, they are now resisting that he cannot seek proof of his case from the respondent for the counter claim and therefore, they are not producing the document.



C.R.P.(PD)(MD)No.1737 of 2022

WEB COPY

4. On perusal of the said counter and admitted across the bar that even the closure report of the police closing the complaint as 'mistake of fact' is marked before the trial court. The matter is at the stage of the arguments. When in the counter affidavit, the other party to the suit, has categorically stated that he will not produce the document, which is claimed by the other side, then the petitioner cannot force the opponent to produce the document, can only argue before the court to draw such adverse inference as may be permissible under law. Of course, it will be open for the respondent to contest any such arguments, which will be made before the trial Court. Therefore, when the trial Court has stated that everything can be raised only during the course of the arguments, no exception can be taken in respect of the said findings.

5. Accordingly, the Civil Revision Petition is disposed of with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

04.07.2024

NCC : Yes / No
sjj



WEB COPY



C.R.P.(PD)(MD)No.1737 of 2022

D.BHARATHA CHAKRAVARTHY, J.

sjj

To

The I Additional District Judge, Madurai.

C.R.P.(PD)(MD)No.1737 of 2022

04.07.2024