



C.R.P(MD)No.1966 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.04.2024**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.1966 of 2019
and
C.M.P(MD)No.10111 of 2019

Mohan Kumar

... Petitioner/Petitioner
14th Defendant

Vs.

1.V.Gopalan Nair

2.Kollemcode Vattavilai,
Sree Badrakali Devaswom,
Represented by its President and
Secretary.

3.Sukumaran Nair

4.Monikandan Nair

5.Sooryadevan Thampi

6.K.C.Mohanakumar

7.T.Ramachandran Nair

8.Biju

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9.V.Radhakrishnan

10.V.Madhusoodhanan

11.R.Jayakumaran Thampy

12.Vijayakumar

13.Sasindharan Nair

14.V.Ramachandran Nair

15.Sanalkumaran Thampi

... Respondents 1 to 15/
Plaintiffs and Defendants 1 to 13 and 15

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decretal order passed in I.A.No.97 of 2018 in O.S.No.87 of 2017, dated 26.08.2019 on the file of the Subordinate Judge, Kuzhithurai and direct the Subordinate Judge, Kuzhithurai to summon Gopalan Nair the alleged plaintiff direct him to produce his partition deed or any other document which contains his admitted signature to prove his signature in the Vakalat, Complaint and Counter affidavit and allow the above Civil Revision Petition.

For Petitioner : Mr.K.Sreekumaran Nair

For R-1 : Mr.V.M.Balamohan Thambi

For R-2 to R-15 : No appearance



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ORDER

The present Civil Revision Petition has been filed by the 14th defendant in O.S.No.87 of 2017 on the file of the Sub Court, Kuzhithurai challenging the dismissal of an application, wherein the Trial Court has rejected an application filed under Order XI, Rule 14 of CPC.

2. The suit has been filed for the relief of permanent injunction restraining the Managing Committee of the first defendant, acting and administering against the provisions incorporated in the bye-laws / scheme and particularly the matter of financial matters and policy decisions without due sanction by the general body. When the suit was pending, the 14th defendant had filed I.A.No.97 of 2018 under Order XI, Rule 14 of CPC seeking a prayer to direct the plaintiff to appear before the Court with the document containing admitted signature.



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3. A perusal of the affidavit indicates that the 14th defendant had disputed the fact that the plaintiff has not signed the plaint and he has not verified the plaint. A counter was filed by the plaintiff disputing the said allegations. The Trial Court after going through the submissions made on either side had dismissed the said application on the ground that, Order 11, Rule 14 of CPC is not applicable to the facts of the present case. Challenging the same, the present Civil Revision petition has been filed.

4. The suit was filed in the year 2017 for the above said relief. The 14th defendant, without filing any written statement, doubting the signature of the plaintiff in the plaint as well as in the verification column had filed I.A.No.97 of 2018 to direct the plaintiff to appear before the Court on the ground that the plaintiff is a permanent resident of Kerala.

5. A perusal of the counter indicates that the plaintiff had retired and he is now residing at Vilavancode Taluk, Kanyakumari District. Except alleging that the suit has been filed at the instigation of one



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V.P.Madhusoodhanan, no other proper reasons have been assigned for issuing a direction under Order XI, Rule 14 of CPC. Further, a perusal of Order XI, Rule 14 of CPC indicates that, it is the power of the Court to direct the parties for production of documents which are in possession of the parties. In the present case, invoking such a provision would not arise on the facts of this case. Therefore, there are no merits in the present Civil Revision Petition.

6. In the result, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

03.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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- 1.The Subordinate Judge,
Kuzhithurai.
- 2.The Section Officer,
Vernacular Record Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

BTR

Order made in
C.R.P(MD)No.1966 of 2019

03.04.2024