



C.R.P(MD).No.3380 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.01.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

**C.R.P(MD)No.3380 of 2023
and
C.M.P(MD)No.17484 of 2023**

1.Chellaperumal

2.Thirunavukkarasu

... Petitioners

Vs

Sarasu

... Respondent

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 20.06.2023 passed in Interlocutory Application in I.A.No. 7/2023 in O.S.No. 26/2014 on the file of the Additional District Munsif Court, Lalgudi and set aside the same.

For Petitioners : Mr.M.Arjun Varman
for Mr.S.Rajasekar



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ORDER

This Civil Revision Petition is filed to set aside the fair and decreetal order dated 20.06.2023 passed in Interlocutory Application in I.A.No. 7/2023 in O.S.No. 26/2014 on the file of the Additional District Munsif Court, Lalgudi.

2. The facts in brief: The suit in O.S.No.26 of 2014 was filed by the respondent herein namely, Sarasu for the relief of permanent injunction and for costs. After filing, the written statement, issues were framed and trial commenced and during the process of trial, a petition was taken out by these petitioners under Section 75 of Civil Rules of Practice. On the side of the plaintiff, Ex.A1 was marked. But doubting the genuineness of the document, the petitioners sought information through Right to Information Act from the competent authorities.

3. It is the contention of the petitioner that since it is a fake document, no occasion arose to get a certified copy of the same. Even the Court can *suo motu* summoned the Regional Deputy Tahsildar to



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know about the genuineness of the documents. That was nor resisted by the respondents. But the trial Court thought it fit to dismiss the petition stating that before summoning the revenue officials or the competent authorities, they would comply the conditions set out in Rule 75 of Civil Rules of Practise and also extracted the relevant rule. Stating that the above said rule is not properly complied, the trial Court dismissed the petition against which this revision petition has been preferred.

4. Heard the petitioner. No notice was issued to the respondents, since only a simple issue is involved in this matter. As stated in the preamble portion of the order, it is the case of this petitioner that Ex.A1, which was marked on the side of the plaintiff is not a genuine document. So naturally, the competent authority mentioned in the petition can speak about the genuineness of the document. To support the contention on the part of the petitioner that no such documents was issued by the competent authority, unless it is corroborated by proper evidence, it will not have any evidentiary value. Eventhough, the said Rule prescribes that before the summoning an official, certified copy of the document ought to have been obtained, but here the factual position are entirely



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different. Considering the facts and circumstances of the case, when the genuineness of Ex.A1 is under dispute, competent authority, the revenue official who alleged to have issued the document, must be examined. So I find that the order passed by the trial Court is not sustainable, accordingly, the same is set aside.

5. The trial Court is directed to issue summons to the witness mentioned in the petition to produce the documents, if available, give evidence.

6. With the above said direction, this Civil Revision Petition stands allowed. No costs. Consequently, connected miscellaneous petition stands closed.

24.01.2024

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

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To
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1.The Additional District Munsif Court, Lalgudi.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVA, J.

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