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CRP No. 562 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-06-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 562 of 2023

AND

CMP No. 4548 of 2023

1. Virushabadass

S/o. Appandainatha Nainar,
Residing at Peramandur Village,
Tindivanam Taluk.

2. Kaladoss

W/o. Virushabadoss,
Residing at Peramandur Village,
Tindivanam Taluk.

3. Jayaprakash

S/o. Virushabadoss,
Residing at Peramandur Village,
Tindivanam Taluk.

Petitioner(s)

Vs

Rajappa

S/o. Tirunavukkarasu Mudaliar,
No.30, Muthukrishna Mudali Street,
Gidangal-1, Tindivanam.
Rep. by its Power Agent K.Tamilarasi,
W/o. N.M.Karunanidhi



Respondent(s)

WEB PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order and decree dated 07.02.2023 made in IA No.451 of 2022 in OS No.15 of 2015 on the file of Principal District Munsif, Tindivanam by allowing the above revision.

For Petitioner(s): Mr.D. Ravichander

For Respondent(s): Mr.S.Muthaiah

ORDER

This Civil Revision Petition has been filed to set aside the order and decree dated 07.02.2023 made in IA No.451 of 2022 in OS No.15 of 2015 on the file of Principal District Munsif, Tindivanam by allowing the above revision.

2. The defendants are the Civil Revision Petitioners before this Court. Aggrieved by the order in I.A.No.451 of 2022 in O.S.No.15 of 2015, the defendants have taken out the said application under Rule 76 of the Civil Rules of Practice read with Section 151 of C.P.C., praying for the certificate to be issued by the Tindivanam Tahsildar, viz., FMB Plan in respect of Survey



Nos.218 and 219 in Gidangal Village.

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3. The case of the petitioners is that the petitioners' predecessor had right and title only in respect of Survey No.219/7. However, by mistake in the conveyance documents, the survey number has been erroneously mentioned as S.No.218/1. In order to substantiate the defence, which has been set out by way of detailed written statement, the said application was taken out.

4. The respondent/plaintiff resisted the said application on the ground that the defendants are only attending to protract the proceedings, especially the suit being of the year 2015.

5. The learned trial Court has enquired into the application and proceeded to dismiss the application holding that the application filed under Rule 76 of the Civil Rules of Practice, ought not to be filed without making any application before the concerned authority and only if such application is made and is being refused, or not acted upon, it would be open to the party to move an



application under Rule 76 of the Civil Rules of Practice.

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6. Heard both sides and perused the materials available on record.

7. The learned counsel for the petitioners invited my attention to Rule 76 of the Civil Rules of Practice, where no such requirement is mandated and set out by the trial Court. Infact, on a reading of Rule 76 of the Civil Rules of Practice, it is clear that, it is open to the parties to a suit to seek for copies of public documents and the Court on being *prima facie* satisfied that the production of the certified copies would be necessary for a decision in the suit, it shall permit the parties to seek such public documents. However, it is only under Rule 75 of the Civil Rules of Practice, where the requirement of making an application before hand and the same being refused, is made a pre-condition and there is no such requirement under Rule 76 of the Civil Rules of Practice.

8. In the present case, the application has admittedly been filed invoking Rule 76 of the Civil Rules of Practice. Therefore, the trial Court has clearly



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erred in dismissing the application on a reasoning that is not available under Rule 76 of the Civil Rules of Practice. Therefore, I am inclined to set aside the order of the trial Court. Accordingly I.A.No.451 of 2022 in O.S.No.15 of 2015 is allowed. The Principal District Munsif, Tindivanam, shall call upon the Tahsildar, Tindivanam to furnish the F.M.B. Plan in respect of Survey Nos.218 and 219 in Gidangal Village, within a period of 15 days from the date of receipt of a copy of this order.

9. Considering the fact that the suit is in the year 2015, the trial Court shall expedite the trial and, in any event, dispose of the same on or before 31.10.2025. No costs. Consequently, connected Miscellaneous Petition is closed.

19-06-2025

jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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P.B.BALAJI J.
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To
The Principal District Munsif, Tindivanam.

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