



C.R.P.No.1049 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 20.03.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

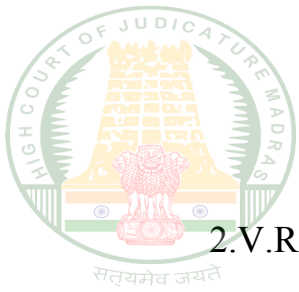
C.R.P.No.1049 of 2025

C.M.P.No.6050 of 2025

- 1.The Chennai Port Trust
Represented by its Chairman
Rajaji Salai, Chennai – 600 001.
- 2.Chennai Fishing Harbour Management Committee
Represented by its Chairman
The Chennai Port Trust Administrative Office,
5th Floor, Rajaji Salai, Chennai – 600 001.
- 3.Financial Advisor and Chief Accounts Officer
The Chennai Port Trust,
5th Floor, Rajaji Salai, Chennai – 600 001. ...Petitioners

Vs

- 1.Thilagam and Thilagam Marine Utility
A partnership firm,
Represented by its partner,
Mr.R.Vijay Ashwin
Having office at
Plot No.71 & 72, Fishing Harbour Complex,
Royapuram, Chennai – 600 013.



C.R.P.No.1049 of 2025

2.V.Ravindar

WEB CO 3.R.Vijay Ashwin

4.Dilip Arjun

5.TANGEDCO

Represented by its Managing Director,
NPKRR Maligai,
800, Anna Salai, Chennai – 600 002.

...Respondents

PRAYER :- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleaded to set aside the order in I.A.No.4 of 2023 in O.S.No.4148 of 2019 on the file of the learned XVI Additional Judge, City Civil Court, Chennai.

For Petitioners : Mr.Haja Mohideen Gisthi

ORDER

Challenging the order passed by the learned XVI Additional Judge, City Civil Court, Chennai, in I.A.No.4 of 2023 in O.S.No.4148 of 2019, the defendants are the revision petitioners before this Court.

2.The short facts are as follows:-

The respondents had filed a suit against the revision petitioners originally before this Court in C.S.No.313 of 2017 seeking the following



C.R.P.No.1049 of 2025

reliefs:-

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i)a direction, directing the first defendant to execute and register an acknowledgement in writing to the effect that the mortgage deed dated 14.07.2014, bearing document No.2212 of 2014 on the file of SRO, Royapuram, as rectified by the deed of rectification dated 15.09.2014 bearing document No.2212 of 2014 on the file of SRO, Royapuram mortgaged by the plaintiff is discharged and consequently direct the first defendant to deliver all the original and other documents relating to the mortgage deed, in its possession or power relating to the schedule mentioned property.

ii)a direction directing the first defendant to pay Rs.71,26,709/- with future interest at 18% p.a on Rs.71,26,709/- from the date of this plaint to the date of realization.

iii)to pay the costs of this suit.

3. Along with the plaint, the respondents herein/plaintiffs had filed 56 documents under Order 7 Rule 14 (1) of the C.P.C. The suit was thereafter transferred to the file of the XVI Additional City Civil Court, Chennai and renumbered as O.S.No.4148 of 2019.



C.R.P.No.1049 of 2025

WEB COPY 4. Thereafter, the first defendant had filed detailed written statement refuting the plaintiff's claim.

5. When the suit was at the stage of trial, the respondents/plaintiffs had come forward to file an interlocutory application seeking issue of summons to the defendants to produce the documents that have been listed in the schedule to the petition in I.A.No.4 of 2023. The respondents had contended that along with the plaint they had filed 56 documents out of which some original documents are available with them and had been filed along with the plaint whereas with reference to the others only photo copies were available with them and the originals were with the defendants. These documents were Government orders/letters/notifications, advertisements made by the second defendant, resolutions of the second defendant, minutes of the meeting of the second defendant, Inter-Governmental letters, electricity bills raised by the Electricity Board in favour of the first defendant, Bank guarantee submitted by the first defendant as well as Court orders. The respondents further submitted that since they are not authors of the documents they will not be in a position to submit the originals. Even with reference to



C.R.P.No.1049 of 2025

the minutes of meetings, only photo copies were given to the firm.

Therefore, the respondents had come forward with the said application.

6.The counter affidavit was filed by the Chief Mechanical Engineer of the Chennai Port Trust for and on behalf of the petitioners. He would contend that the application was not maintainable as the suit is filed for a direction to the first petitioner herein to execute a discharge receipt in respect of the mortgage deed dated 14.07.2014. He would further contend that the petition is premature and the documents are available with the respondent herein. The learned XVI Additional Sessions Court, Chennai, by order dated 08.08.2024 was pleased to allow the said application. The learned Judge allowed the application stating that the documents which had been set out in the petition are very essential for proving the case of the plaintiffs. The revision petitioners would be permitted to cross examine the plaintiffs in this regard. Aggrieved by the same, the petitioners are before this Court.

7.The learned counsel for the petitioners further submit that similar applications had been rejected earlier by this Court exercising



C.R.P.No.1049 of 2025

jurisdiction under Article 226 of the Constitution of India.

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8.Heard Mr.Haja Mohideen Gisthi, the learned counsel who is making his submission for admission.

9.Admittedly the plaintiffs/respondents herein had filed 56 documents. In the written statement that has been filed by the first defendant they have not refuted or denied the documents that have been filed along with the plaint. When the matter had come up earlier on 14.03.2025, this Court had directed Mr.Haja Mohideen Gisth, the counsel for the petitioner to verify as to whether respondents were in possession of the documents that have been appended to the schedule to the petition and the same was available with them and also details of the documents not available with them. Today when the matter was called he had produced a communication email that he had received wherein it has been stated “None of the original documents are available with the Chennai Port Trust Authority”. The said message is taken note of.

10.The main objection of the petitioner is that plaintiff has to prove his case through documents. It is the duty of the plaintiff to



C.R.P.No.1049 of 2025

produce the documents. In the case on hand the documents as available with the plaintiff has been produced and the originals of the documents which should be in the custody of the respondent/petitioner is not available with them.

11. Therefore, the Civil Revision Petition is disposed of with a direction that the learned XVI Additional Judge, City Civil Court, Chennai, shall receive the documents as filed by the plaintiff subject to its relevancy. No costs. Consequently, connected miscellaneous petition is closed. No costs.

20.03.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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To

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Represented by its Chairman
Rajaji Salai, Chennai – 600 001.



C.R.P.No.1049 of 2025

2.Chennai Fishing Harbour Management Committee

Represented by its Chairman

The Chennai Port Trust Administrative Office,

5th Floor, Rajaji Salai, Chennai – 600 001.

3.Financial Advisor and Chief Accounts Officer

The Chennai Port Trust,

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4.TANGEDCO

Represented by its Managing Director,

NPKRR Maligai,

800, Anna Salai, Chennai – 600 002.

P.T.ASHA, J,

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C.R.P.No.1049 of 2025
C.M.P.No.6050 of 2025



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C.R.P.No.1049 of 2025

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