



CRP No. 2269 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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RESERVED ON: 18-08-2025

PRONOUNCED ON: 29-08-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

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AND

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1. P.Murugan
S/o M.Poongan Cane Officer,
Chengalvarayan Co-operative Sugar
Mills, Periya Sevalai Village
Ulunthurpet Taluk, Villupuram District

Petitioner(s)

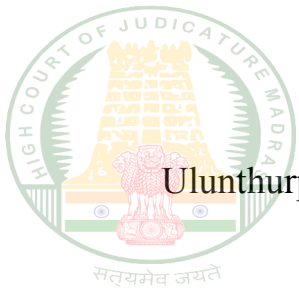
Vs

1. M.Muthulingam
S/o Mukalathan, No.36, Eraiyur
Village, Veppanthattai Taluk,
Perambalur District

Respondent(s)

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Ulunthurpet Taluk, Villupuram District

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Vs

1. M.Muthulingam
S/o Mukalathan, No.36, Eraiyur
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PRAYER

This Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the dismissal Order passed in IA.No. 11 of 2024 in OS.No. 191/2019 dated 05.03.2025 on the file of the Honble District Munsiff cum Judicial Magistrate at Veppanthattai, Perambalur District and allow this Civil Revision Petition and pass such further or other order, this Honourable Court may deem fit by considering the facts and circumstances of the case and thus render justice.

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PRAYER

This Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the dismissal Order passed in IA.No. 10 of 2024 in OS.No. 191/2019 dated 05.03.2025 on the file of the Honble District Munsiff cum Judicial Magistrate at Veppanthattai, Perambalur District and allow this Civil Revision Petition and pass such further or other order, this Honourable Court may deem fit by considering the facts and circumstances of the case and thus render justice.

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For Petitioner(s): Mr. M.Ramamoorthi



For Respondent(s): Ms.S.B.Madhura for
Mr.R.Bharath Kumar

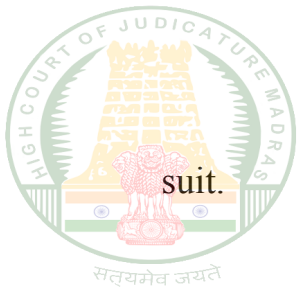
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COMMON ORDER

The 1st defendant in [O.S.No.191/2019](#) is the revision petitioner, challenging the order passed by the trial court in [I.A.No.11/2024](#) in and whereby an application filed by the 1st defendant to reopen his evidence came to be dismissed.

2.I have heard Mr. M.Ramamoorthi, learned counsel for the petitioner and Ms.S.B.Madhura, learned counsel for the respondent.

3. The learned counsel for the petitioner would state that though the parties had concluded letting in of evidence and the suit was posted for arguments, the first defendant sought for reopening the evidence only for the purpose of summoning the documents from the Tashildar, Perambalur, in respect of the assignment made on 05.08.1994. The said application came to be dismissed on the ground that there is no necessity to summon the documents from the revenue authority, and it is always open to the petitioner to obtain certified copies from the said Tashildar and produce the same as evidence in the



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4. The learned counsel for the petitioner would further state that the trial court ought to have given an opportunity to the petitioner to produce records which are vital for consideration of the issues arising in the suit. He would also state that the trial court ought not to have rejected the application, citing technical reasons that there has been non-compliance with Rule 75 of the Civil Rules. Therefore, he would pray for that rule being allowed.

5. Per contra Ms.S.B.Madhura, the learned counsel for the respondent, would state that there is absolutely no infirmity in the order of the trial court, warranting interference under Article 227 of the Constitution of India. She also states Rule 75 of the Civil Rules Practice is mandatory and the court cannot permit a party to the suit to bypass the said mandatory provision.

6. She would also rely on the decision of this Court in ***Ettiyappan vs. P. Dhanabagyam*** in ***CRP No. 3975 of 2017*** dated ***20.03.2018***, where this Court has referred to Rule 75 (2) of the Civil Rules of Practice and held that an application for summoning the records from the Tashildar, without complying



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with Rule 75 of the Civil Rules of Practice is not maintainable. In the present case as well, there was ample opportunity available to the petitioner to get certified copies from the Tashildar, Perambalur, and produce the same before the court. Without following the procedure contemplated under Rule 75 of Civil Rules Practice, the petitioner has straight away approached the Court and sought for summoning the records.

7. In fact, the trial court has also rightly found that even the document which is sought to be summoned is not going to assist the court in deciding the issues that have arisen for consideration in the suit and that the attempt on the part of the petitioner/superintendent is only for protracting the proceedings. I do not find any perversity or illegality in the findings of the trial court, warranting interference under Article 227 of the Constitution of India, and as held by this Court in the *Ettiappan case* (cited supra), the mandate of Rule 75 of the Civil Rules of Practice cannot be bypassed, and further, even assuming the petitioner had obtained the certified copy, the trial court has had the benefit of the evidence of the parties adduced already, since the suit is in a stage of arguments, and the trial court in its discretion, clearly found that the said document, which



is sought to be summoned, is not going to assist the court in any manner.

WEB COPY 8. In the light of the above, I do not find any merit in the civil revision petition, which is accordingly **dismissed**. No costs.

29-08-2025

jrs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1.The District Munsiff cum Judicial Magistrate
at Veppanthattai, Perambalur District .

2.M.Muthulingam

S/o Mukalathan, No.36, Eraiyur

Village, Veppanthattai Taluk,

Perambalur District



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P.B.BALAJI J.

jrs

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