



C.R.P.(PD) Nos.4596 and 4598 of 2025 and
C.M.P.Nos.23283 and 23286 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

C.R.P.(PD) Nos.4596 and 4598 of 2025
and
C.M.P.Nos.23283 and 23286 of 2025

1.N.Malli Saravanan
2.M.Thilaka

...Petitioners in both cases

..Vs..

S.Vasudevan

...Respondents in both cases

PRAYER in C.R.P.No.4596 of 2025: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the impugned order dated 30.07.2025 in I.A.No.4 of 2022 in O.S.No.524 of 2017 on the file of the IV Additional District Munsif, Salem.

PRAYER in C.R.P.No.4598 of 2025: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the impugned order dated 30.07.2025 in I.A.No.3 of 2022 in O.S.No.524 of 2017 on the file of the IV Additional District Munsif, Salem.

For Petitioner :Mr.D.G.Hariparasath in both cases



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COMMON ORDER

The unsuccessful plaintiffs have preferred these petitions.

2. The suit in O.S.No.524 of 2017 was filed seeking a declaration that the plaintiffs are not employees or business assistants of the respondent/defendant at any point of time, and for a permanent injunction restraining the respondent/defendant from proclaiming that the petitioner/plaintiffs are his employees or business assistants.

3. The defendants filed their written statement, and necessary issues were framed. Trial commenced. On the side of the plaintiffs, P.W.1, the first plaintiff, was examined and cross-examined. The case was then posted for further plaintiffs' side evidence. In I.A.No.3 of 2022, filed under Order 16 Rule 1 of the C.P.C., the plaintiffs sought permission to summon the Inspector of Police, Attaiyampatti Police Station, Salem, and the Inspector of Police, CCB, Salem City, to produce documents relating to the complaint given by the respondent against the petitioners and to depose as witnesses.

4. Upon hearing both sides, the Court below dismissed the applications on the ground that summoning the police from Attaiyampatti for the purpose of marking the complaint and to depose about the contents of the said complaint was not necessary. Aggrieved by the same, the plaintiffs



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have preferred these Civil Revision Petitions.

5. The learned counsel appearing for the revision petitioners submitted that when the plaintiffs had made a specific application to summon the police for examination under Order 16 Rule 1 of the C.P.C., seeking material witnesses who directly bear on the issues in the suit, the Court below was bound to exercise its authority to secure the presence of such witnesses.

6. The learned counsel for the revision petitioners further submitted that the Court below erred in holding that the examination of the police was unnecessary, since the complaint would itself be marked as a document. He contended that the defendants have already marked certain documents, including FIRs against the plaintiffs, and therefore, the plaintiffs are entitled to examine the police officers, not merely for marking the complaint, but also to speak about the investigation carried out.

7. The learned counsel further submitted that the complaint against the plaintiffs had been closed as a 'mistake of fact'. Therefore, it is just and necessary to examine the Inspector of Police and other police officials in order to establish the case of the plaintiffs.

8. It is not in dispute that the first plaintiff himself was examined as



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P.W.1 and was also cross-examined on the side of the defendants. At this stage, the plaintiffs have come forward with an application stating that the defendant had lodged a complaint before the Commissioner of Police, Salem, on 19.08.2017, which was forwarded to the Assistant Commissioner of Police, CCB, Salem, and that the Inspector of Police, CCB, issued summons to the petitioners on 24.08.2017 for enquiry with regard to the said complaint.

9. It is to be noted that the suit is filed by the revision petitioner for seeking the relief of declaration. Summoning the police from Attaiyampatti for the purpose of marking the complaint and deposing about its contents is unnecessary. If at all required, the plaintiffs may obtain certified copies of relevant documents from the office concerned relating to the enquiry conducted by the Inspector of Police. Hence, there is no reasons warrants to interfere with the order of the Court below. There is no merit in these petitions.



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WEB COPY 10. In the result, these Civil Revision Petitions are dismissed.

No costs. Consequently, the connected C.M.Ps are closed.

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Index:Yes/No

Speaking Order:Yes/No

To

The IV Additional District Munsif, Salem.

M.JOTHIRAMAN,J.,



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