IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR
CRP.No.5102 of 2025 and
CMP.No. 25712 of 2025

Ratan Singh ... Petitioner

Vs.

Parbat Singh ...Respondent

PRAYER: Civil Revision Petition filed Article 227 of Constitution of India, praying, to set aside the Fair and Decreetal Order dated 08.09.2025 made in IA No.4 of 2025 in OS No. 191 of 2018 on the file of the Court of Principal District Judge, Erode by allowing this CRP.

For Petitioner : Mr.R.Prabakar
for Mr.C.E.Pratap

ORDER

The civil revision petition is filed challenging the order passed by the court below dismissing the application filed by the petitioner seeking direction to respondent/ plaintiff to produce his income tax papers relating to the financial years 2006- 2007 to 2012 -2013.

2. The respondent herein filed a suit seeking partition of the suit properties on the ground that the subject properties were purchased by the plaintiff and the defendant.

3. The petitioner herein filed a written statement and resisted the suit on the ground that he paid the entire sale consideration for the purchase of the subject property and hence, the respondent was not entitled to any share in the property.

4. The petitioner filed an interlocutory application seeking a direction to respondent to produce his income tax papers to establish that he had no means to pay consideration mentioned in the sale deed. The said application was dismissed by the trial court. Aggrieved by the same, the petitioner has come before this court.

5. In the sale deeds which were marked as Exhibit A1 and Exhibit A2, it was clearly mentioned that the plaintiff paid the sale consideration by way of cheque. Based on the said recital in the document, the application filed by the petitioner has been dismissed by the trial court.

6 .It is always open to the petitioner to issue a notice to produce the documents and if the documents mentioned in the notice have not been produced by the respondent, he can argue before the court that adverse inference shall be drawn. Absolutely, there is no need to file an application compelling the respondent to produce his income tax returns. While deciding the question whether adverse inference shall be drawn or not, the Court shall also take into consideration the recitals in the registered documents. In such circumstances, this Court feels that the petition filed by the petitioner seeking production of the document is wholly unnecessary and hence the conclusion reached by the Trial Court to dismiss the instant petition is sustainable. Accordingly, the Civil Revision petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

27.10.2025

Index : Yes / No
Internet : Yes / No
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S.SOUNTHAR , J.

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To
The Principal District Judge, Erode

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