IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1567 of 2026
AND
CMP NO. 7385 OF 2026

S.Dharmalingam
S/o.Sengoda Gounder,
D.No.73/4, Nallipalayam Road,
Jambi, Jambi Village,
Bhavani Taluk,
Erode District.

..Petitioner(s)

Vs

M.Sekar
S/o.Muniappa Gounder,
No.102, Perumalpuram,
Bhavani Village and Town,
Bhavani Taluk, Erode District

..Respondent(s)

PRAYER

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the fair and decretal order dated 20.02.2026 made in IA No.16 of 2026 in OS No.19 of 2021 on the file of the learned IV Additional District Judge, Erode District at Bhavani by allowing this CRP.

For Petitioner(s): Mr.B Mohan

ORDER

Challenging the impugned order passed in I.A.No.16 of 2026 in O.S.No.19 of 2021 by the learned IV Additional District Judge, Erode District at Bhavani, the Revision Petitioner/defendant preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the trial judge, notice to the respondent is dispensed with.

3. Before the trial court, the Revision Petitioner filed an application under Order 16 Rule 1 and 2 Sec.151 of C.P.C. to issue summons to the auditor in order to prove the income tax returns of respondent. To that effect, he had filed the said application, but the trial judge had held that if at all, the income tax returns of plaintiff is necessary, the defendant is entitled to get the same from the Income Tax department by filing application under RTI Act and as per manner known to law. Aggrieved over that, the revision petitioner preferred this Civil Revision Petition.

4. Now, the fact reveals that P.W.1 was examined and during the cross-examination, the source of income was putforth before him and about the sister concern also. Therefore, to show the income of plaintiff, the income tax returns sought by the plaintiff. To that effect, he wanted to examine the daughter of plaintiff by issuing summons. Admittedly, the defendant's company is paying income tax returns. To prove the source of income, the income of plaintiff can be obtained from the Income Tax Department by filing application under RTI Act, which was rightly concluded by the trial judge. Therefore, liberty is granted to the defendant to issue notice to the plaintiff to submit the income tax return submitted before the income tax department or else get the information under the RTI Act and submit the same before the trial court. Hence, the reason assigned by the trial judge is sustainable one, which requires no interference.

Accordingly, this Civil Revision Petition is dismissed as no merit. No costs. Consequently, connected civil miscellaneous petition is dismissed.

17-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RPP

To

The IV Additional District Judge, Erode District at Bhavani.

T.V.THAMILSELVI J.

RPP

CRP No. 1567 of 2026
AND
CMP NO. 7385 OF 2026

17-03-2026