



WEB COPY

A No. 2252 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 22-01-2026**

CORAM

**THE HON'BLE MR.JUSTICE P. DHANABAL**

**A No. 2252 of 2025**

**in CS NO. 59 OF 2023**

Dr.K.S.Vasan S/o.S.Krishnamurthy,

..Applicant(s)

Vs

1. Dr.Girish Shiva Rao and 11 others

2. Mr.G.Ramachandran

C/o.M/s.Saraswathi Stores,

3. Mr.N.Sugal Chand Jain

4. Mr.Raju Barwala

5. Ms.Usha Zehr Barwale

6. Mr.Jagadish Chanrai

7. Ms.Prabha Seethapathy

8. Mr.T.S.Surendran

9. Mr.Kannan Narayanan

10.Mr.Ashok Kumar Mehta

11.Medical Research Foundation

Repd. by its Secretary,

12.The Registrar of Societies

District Registrar Central, 268, Bharathi Salai,

Express Estate, Royapettah, Chennai 600 014.



..Respondent(s)

**PRAYER:** This application has been filed under Order XIV Rule 8 of the Original Side Rules read with Order XI Rule 14 of Code of Civil Procedure praying to direct the Defendants to produce the original documents specified mentioned in the list of documents in Judges Summons.

For Applicant(s): M/s.C.Vigneswaran

For Respondent(s): Mr. P. Giridharan [for R1 to R11]

### **ORDER**

This application has been filed by the applicant to direct the respondents to produce the documents, which are under the possession and control of the respondents under Order XI Rule 14 of Code of Civil Procedure.

2. According to the applicant, he is the Plaintiff in the main Suit, which is filed for the reliefs of declaration, permanent injunction and mandatory injunction. The applicant filed this application to produce the application-mentioned documents, those are more essential to prove his case. The Suit is pertaining to legitimacy of the members of the Society and Board. This Court framed issues on 03.03.2025 and the matter was referred for trial. AT the time of recording evidence, the Plaintiff side counsel requested the defendants to produce the original documents listed, to the Plaintiff. Thereafter, the Plaintiff issued notice dated 09.07.20924 for production of those documents. Despite sufficient time and opportunity given to the defendants, they failed to produce



those documents. The defendants were deliberately withholding the material evidence. Therefore, they may be directed to produce the documents mentioned in the application.

3. The respondents filed a counter by denying the averments made in the affidavit. The Plaintiff has filed the application at a belated stage after framing issues, only with an ulterior intention to delay the proceedings. The applicant has the habit of filing the applications one after another and already so many applications were filed and some were dismissed. The application is barred under Order VII Rule 14(2) of the Civil Procedure Code. No any reference about the documents in the Plaint. Without referring the documents in the Plaint, he cannot seek for those documents from the defendants at this stage. The documents sought for by the Plaintiff are neither filed by the defendants along with their written statement nor along with any other affidavits. The power under Order XI Rule 12 of the Civil Procedure Code is a discretionary power which ought to be exercised by the Court sparingly. Most of the documents does not pertain to the defendants in the Suit and no relevance to the reliefs sought for by the Plaintiff in the Suit. Therefore, the application is liable to be dismissed.

4. This Court heard both sides and perused the entire materials available on record.



5. The applicant / Plaintiff filed this application to direct the respondents to produce the application-mentioned documents and he listed 29 documents and those documents are neither referred in the Complaint nor referred in the Written Statement filed by the defendants. The applicant has not filed any application at the earliest point of time. The case has been filed in the year 2023 and now the case is posted for trial. At this stage, the Plaintiff filed this application and there is any reference about the documents in the pleadings. There is no reference in the affidavit as to how these documents are essential to decide the case of the Plaintiff. After the case is listed for examination of witnesses, without examining the witnesses, the Plaintiff has filed this application and further, the applicant cannot compel the defendants to produce the documents. First of all, the Plaintiff has to establish that the documents are available with the defendants. Thereafter, if the defendants failed to produce those documents, then adverse inference can be drawn against them. Therefore, it is for the defendants to produce the available documents with them and in the absence of production of any documents, then the Court can draw adverse inference against the defendants in respect of the documents available with them. Therefore, it is matter of trial and at this stage, without referring the documents in the pleadings, the Plaintiff cannot seek direction from the Court to produce the documents from the other side. Therefore, this application has no merits and deserves to be dismissed.



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6. Accordingly, this application is *dismissed*.

**22-01-2026**

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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**P.DHANABAL, J.**

**MJS**

To

The Registrar of Societies,  
District Registrar Central, 268, Bharathi Salai,  
Express Estate, Royapettah, Chennai 600 014.

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