

Selvamathy and Others Vs. Ramachandran(died) and Others

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Court : Chennai Madurai

Decided On : Nov-28-2016

Judge : D. Krishnakumar

Appeal No. : C.R.P(PD)(MD)No. 2399 of 2016 & C.M.P(MD)No. 11289 of 2016

Appellant : Selvamathy and Others

Respondent : Ramachandran(died) and Others

Judgement :

(Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying this Court to set aside the order passed in I.A.No.42 of 2016 in O.S.No.155 of 2010, dated 30.3.2016 on the file of the Subordinate Court, Devakkottai.)

1. This revision has been filed seeking for a direction to to set aside the order passed in I.A.No.42 of 2016 in O.S.No.155 of 2010, dated 30.3.2016 on the file of the Subordinate Court, Devakkottai.

2. The facts of the case as follows:

The respondents herein filed a suit in O.S.No.155 of 2010 against the revision petitioners herein for mortgage. In the aforesaid suit, the Petitioners have filed an application in I.A.No.42 of 2016 under Order 11 Rule 16 C.P.C to direct the respondents/plaintiffs to furnish the following documents:

1. Passport of the 5th Plaintiff Lakshmanan
2. Bank Account Statement of 5th Plaintiff Lakshmanan for the period from 2000 to 2011.
3. Passport of 6th Plaintiff Muthukumar.
4. Bank Account Statement of 6th Plaintiff Muthukumar for the period from 2000 to 2010.
5. Passport of the 7th Plaintiff Sivakumar.
6. Bank Account Statement of 7th plaintiff Sivakumar for the period from 2000 to 2010.

3. In the said application, the respondents herein filed counter statement and denied that there is no accounts in the name of the respondents/Plaintiffs and production of passport to the Court is not related to deciding the issue. By accepting the said contentions, the said I.A was dismissed.

4. The learned counsel for the Petitioner submit that the Court below has not properly appreciated the case of the Petitioners and all the documents are necessary. Therefore the said application has to be allowed.

5. The learned counsel for the respondents would submit that the respondents herein/plaintiffs made a statement before the Court that both the documents are not at all required to decide the issue involved in the suit. It is also specifically submitted that there is no NRI accounts in the name of the plaintiffs 5,6 and 7th respondents and therefore, it is for the Petitioners to furnish the said accounts. Therefore in view of the submissions made by the learned counsel for the parties, the Petitioners have filed the present application for production of documents before the Court below when the trial was commenced, P.W.1 and P.W.2 was examined, the present application is filed only to drag on the proceedings. Therefore the reasons as stated in the application cannot have any merit in allowing the C.R.P..Therefore the Civil Revision Petition fails.

6. Accordingly, the Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is dismissed. No costs.

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