

P.Murugan vs M.Muthulingam

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Court : Chennai

Decided On : Aug-29-2025

Judge : Honourable Mr.Justice P.B. Balaji

Appeal No. : CRP/2269/2025

Appellant : P.Murugan

Respondent : M.Muthulingam

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 18-08-2025

PRONOUNCED ON: 29-08-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI AND CRP NO. 2270 OF 2025

1. P.Murugan S/o M.Poongan Cane Officer, Chengalvarayan Co-operative Sugar Mills, Periya Sevalai Village Ulunthurpet Taluk, Villupuram District Petitioner(s) Vs

1. M.Muthulingam S/o Mukalathan, No.36, Eraiyur Village, Veppanthattai Taluk, Perambalur District Respondent(s) CRP No. 2270 of 2025

1. P.Murugan S/o M.Poongan Cane Officer, Chengalvarayan Co-operative Sugar Mills, Periya Sevalai Village Ulunthurpet Taluk, Villupuram District Petitioner(s) Vs

1. M.Muthulingam

S/o Mukalathan, No.36, Eraiyur Village, Veppanthattai Taluk, Perambalur District Respondent(s) PRAYER This Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the dismissal Order passed in IA.No. 11 of 2024 in OS.No. 191/2019 dated 05.03.2025 on the file of the Honble District Munsiff cum Judicial Magistrate at Veppanthattai, Perambalur District and allow this Civil Revision Petition and pass such further or other order, this Honourable Court may deem fit by considering the facts and circumstances of the case and thus render justice. CRP No. 2270 of 2025 PRAYER This Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the dismissal Order passed in IA.No. 10 of 2024 in OS.No. 191/2019 dated 05.03.2025 on the file of the Honble District Munsiff cum Judicial Magistrate at Veppanthattai, Perambalur District and allow this Civil Revision Petition and pass such further or other order, this Honourable Court may deem fit by considering the facts and circumstances of the case and thus render justice. For Petitioner(s): Mr. M.Ramamoorthi

For Respondent(s): Ms.S.B.Madhura for Mr.R.Bharath Kumar

COMMON ORDER

The 1st defendant in O.S.No.191/2019 is the revision petitioner, challenging the order passed by the trial court in I.A.No.11/2024 in and whereby an application filed by the 1st defendant to reopen his evidence came to be dismissed. 2.I have heard Mr. M.Ramamoorthi, learned counsel for the petitioner and Ms.S.B.Madhura, learned counsel for the respondent.

3. The learned counsel for the petitioner would state that though the

parties had concluded letting in of evidence and the suit was posted for arguments, the first defendant sought for reopening the evidence only for the purpose of summoning the documents from the Tashildar, Perambalur, in respect of the assignment made on 05.08.1994. The said application came to be dismissed on the ground that there is no necessity to summon the documents from the revenue authority, and it is always open to the petitioner to obtain certified copies from the said Tashildar and produce the same as evidence in the

suit.

4. The learned counsel for the petitioner would further state that the trial

court ought to have given an opportunity to the petitioner to produce records which are vital for consideration of the issues arising in the suit. He would also state that the trial court ought not to have rejected the application, citing technical reasons that there has been non-compliance with Rule 75 of the Civil Rules. Therefore, he would pray for that rule being allowed.

5. Per contra Ms.S.B.Madhura, the learned counsel for the respondent,

would state that there is absolutely no infirmity in the order of the trial court, warranting interference under Article 227 of the Constitution of India. She also states Rule 75 of the Civil Rules Practice is mandatory and the court cannot permit a party to the suit to bypass the said mandatory provision.

6. She would also rely on the decision of this Court in Ettiappan vs. P.

Dhanabagyam in CRP No. 3975 of 2017 dated 20.03.2018, where this Court has referred to Rule 75 (2) of the Civil Rules of Practice and held that an application for summoning the records from the Tashildar, without complying

with Rule 75 of the Civil Rules of Practice is not maintainable. In the present case as well, there was ample opportunity available to the petitioner to get certified copies from the Tashildar, Perambalur, and produce the same before the court. Without following the procedure contemplated under Rule 75 of Civil Rules Practice, the petitioner has straight away approached the Court and sought for summoning the records.

7. In fact, the trial court has also rightly found that even the document which is sought to be summoned is not going to assist the court in deciding the

issues that have arisen for consideration in the suit and that the attempt on the

part of the petitioner/superintendent is only for protracting the proceedings. I do not find any perversity or illegality in the findings of the trial court, warranting interference under Article 227 of the Constitution of India, and as held by this Court in the Ettiyappan case (cited supra), the mandate of Rule 75 of the Civil Rules of Practice cannot be bypassed, and further, even assuming the petitioner had obtained the certified copy, the trial court has had the benefit of the evidence of the parties adduced already, since the suit is in a stage of arguments, and the trial court in its discretion, clearly found that the said document, which

is sought to be summoned, is not going to assist the court in any manner.

8. In the light of the above, I do not find any merit in the civil revision petition, which is accordingly dismissed. No costs. 29-08-2025 jrs Index:Yes/No

Speaking/Non-speaking order

Internet:Yes Neutral Citation:Yes/No To 1.The District Munsiff cum Judicial Magistrate at Veppanthattai, Perambalur District . 2.M.Muthulingam S/o Mukalathan, No.36, Eraiyur Village, Veppanthattai Taluk, Perambalur District

P.B.BALAJI J. jrs AND CRP NO. 2270 OF 29-08-2025

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