



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

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

CRP No. 2399 of 2026

AND

CMP NO. 10282 OF 2026

S.M.Lakshmanan
S/o. Sri Maruthupillai,
Res. at Flat No.27, Yeri Karai Street,
Nerkundram,
Chennai-600 107.

..Petitioner(s)

Vs

T.Muthu Kumaran
S/o. V.Thiruvengadam,
Res. at No.4, Registrar COlony,
(Near Thirumagal School),
Medical College Road,
Mangalapuram,
Thanjavur-613 004.

..Respondent(s)

CMP No. 10282 of 2026

S.M.Lakshmanan
S/o. Sri Maruthupillai,
Res. at Flat No.27, Yeri Karai Street,
Nerkundram,
Chennai-600 107.

..Appellant(s)

Vs

T.Muthu Kumaran
S/o. V.Thiruvengadam,
Res. at No.4, Registrar COlony,
(Near Thirumagal School),
Medical College Road,
Mangalapuram,
Thanjavur-613 004.

..Respondent(s)

**CRP No. 2399 of 2026**

To set aside the fair and final order passed in IA No. 14 of 2026 in OS No. 2018 of 2023 dt. 10.04.2026 on the file of the VI Assistant City Civil Court at Chennai

CMP No. 10282 of 2026

To STAY all further proceedings in OS No. 2018 of 2023 dt. 10.04.2026 on the file of the VI Assistant City Civil Court at Chennai

CRP No. 2399 of 2026

For Petitioner(s): MR.V.RAGHAVACHARI SENIOR COUNSEL
FOR MR.Ma.P.Thangavel
For Respondent(s): Mr.T.Kalaivani

Order

Challenging the order passed by the learned VI Additional Judge, Civil Civil Court in I.A. No. 14 of 2026 in OS.No.2018 of 2023 dated 10.04.2026 the defendant has preferred the present Civil Revision Petition.

2. Before the trial Court, the petitioner filed an application seeking to summon certain documents. The trial Court dismissed the said application holding that the documents sought to be produced are not relevant to the facts of the case and that the petition lacks merit. Aggrieved by the same, the present revision has been filed.

3. The learned counsel for the revision petitioner submitted that while he was a tenant under the respondent/landlord, several communications were



issued to him, thereby subjecting him to harassment. In order to substantiate the said contention, the petitioner seeks to produce certain documents, including a copy of the complaint and has also sought issuance of subpoena to the Assistant Director of Drugs Control Zone II, Chennai 600 006 to produce the relevant records.

4. Per contra, the learned counsel for the respondent submitted that, in the writ proceedings in W.P. No. 15852 of 2025, the issue relating to the drug licence had already been considered and the licence was renewed. The same has also been admitted by the plaintiff and the relevant documents have already been marked as Ex. B1 to B4. Therefore, it is contended that the documents now sought to be summoned are unnecessary for adjudication of the dispute.

5. In reply, the learned counsel for the revision petitioner submitted that, due to the actions of the plaintiff, the petitioner was unable to renew the licence in time, and in order to establish the alleged *mala fide* intention of the plaintiff, the petitioner seeks to produce the said documents. It is further submitted that, though D.W.1 has already been examined, the petitioner seeks only to issue subpoena of specific documents through the competent authority.

6. This Court has carefully considered the rival submissions.



7. At this stage, it is relevant to note that under Order XVI Rule 1 CPC, a party to the suit is entitled to seek issuance of summons for production of documents or for summoning witnesses, provided such documents are necessary for adjudication of the issues involved. Further, under Order XVI Rule 6 CPC, the Court may issue summons to any person to produce documents in his possession or power, if such production is considered necessary for the just decision of the case. The test to be applied is not strict proof of admissibility at this stage, but prima facie relevance and necessity for adjudication. The Court should not adopt a hyper-technical approach in rejecting such applications, particularly when the documents are sought to substantiate a defence already pleaded.

8. It is also well settled that even if evidence has commenced or a witness has been examined, the Court retains the discretion to permit summoning of documents, if it would aid in arriving at a just decision and does not cause irreparable prejudice to the opposite party.

9. In the present case, the petitioner seeks to issue Subpoena, limited documents from a public authority to substantiate his defence regarding alleged harassment and the circumstances relating to the licence. The documents are in the custody of a statutory authority, and therefore, the petitioner cannot otherwise secure them without the assistance of the Court.



10. In such circumstances, outright rejection of the application on the ground of irrelevance, without examining whether the documents may have a bearing on the defence, is not justified. At the same time, it is necessary to ensure that the scope of summoning is not expanded into a roving or fishing enquiry. Therefore, the permission must be confined to relevant and specific documents.

11. Accordingly, the order of the trial Court is modified to the limited extent that the concerned officer, namely the Assistant Director of Drug Control, either by himself or by his officials shall produce, if available, the relevant records pertaining to the petitioner, as may be specified in the summons to be issued by the trial Court. The trial Court shall ensure that only such documents which have a nexus with the issues involved in the suit are received, and the admissibility and evidentiality value of the same shall be considered at the appropriate stage, in accordance with law.

12. With the above observations and directions, the Civil Revision Petition is **disposed of**. No costs. The connected civil miscellaneous petition is closed.

22-04-2026

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

JRS



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T.V.THAMILSELVI J.

JRS

To
The VI Additional Judge, Civil Civil Court, Chenani.

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22-04-2026