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CRP No.5885 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 5885 of 2025 and
CMP No.29071 of 2025**

1. M.Velmurugan
S/O. U.K. Muthusamy Gounder,
D.NO.46, Uthandipalayam,
Ganapathipalayam Post, Erode District,
Erode - 638153.

Petitioner(s)

Vs

1. R. Manickasundaram
S/O. Late Ramasamy Gounder,
D.NO.45, Uthandipalayam,
Ganapathipalayam Post, Erode District,
Erode - 638153.

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of

India to set aside the fair and final order dated 23.07.2025 made in IA No.2 of



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2023 in OS No.116 of 2024 on the file of the District Munsif cum Judicial

WEB **Magistrate at Elumathur by allowing this CRP.**

For Petitioner(s): Mr. V.Anandhamoorthy

ORDER

This civil revision petition is filed, challenging the order passed by the Trial Court, dismissing the application filed by the petitioner/plaintiff seeking direction to the respondents to produce the documents mentioned in the petition filed by him under Order 11 Rule 14 of CPC.

2. The petitioner herein and one Arukkani/plaintiffs filed a suit against the respondent/defendant seeking bare injunction. In the said suit, the respondent/defendant filed a counter claim seeking declaration, declaring that the east-west northern side measurement of Natham R.S.No.720/5B, Punjuaikalamangalam Village is 11.6 meters and also sought mandatory injunction directing plaintiffs to remove the encroachment made by them in the



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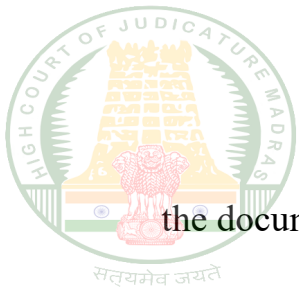
property described in the schedule of property of the counter claim.

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3. The petitioner herein filed the instant application seeking direction to the respondents to produce certain documents referred in the counter claim. The said application was dismissed by the Trial Court on the ground that the petitioner cannot compel the defendant to produce the documents.

4. The learned counsel for the petitioner would submit that the documents sought to be produced were referred by the respondent/defendant in the counter claim and therefore, the respondent/defendant shall be directed to produce the said documents.

5. In the counter claim, the respondent/defendant referred about certain documents, based on which, he claimed right over the schedule mentioned property. If the respondent failed to produce the documents before the court below, he may not be in a position to establish his case pleaded in the counter claim. The petitioner can issue notice to the respondent/defendant to produce



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the documents before the Trial Court and if the respondent failed to produce the

same, the petitioner can request the court to draw adverse inference against the

respondent/defendant. Therefore, the instant application filed by the petitioner

seeking direction to the respondent to produce the documents is unnecessary.

The Trial Court rightly dismissed the application and I do not find any error in

the impugned order to interfere over it.

6. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

26-11-2025

Internet: Yes

Index: Yes/No

Neutral citation: Yes/No

MST

To

The District Munsif cum Judicial Magistrate,
Elumathur.



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S.SOUNTHAR, J

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