

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD) No.2309 of 2003
and C.M.P. Nos.17472 of 2003

Indian Bank
Rep by its Asst. General Manager
Nungambakkam Branch
Chennai.

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Petitioner

Vs.

1. Mrs.Jayalakshmi, Proprietrix
S.L.N. Agencies
No.1, M.I.G. Colony
Alwarpet, Chennai.
Rep.by Power of Attorney
Mrs.Usha Lakshmanan

2.Mr.J.Chandramouli

3. Mrs.Usha Lakshmanan
Power of Attorney of Mrs.Jayalakshmi
No.10, Ganesh Ram Colony
Srinivasa Avenue,
Chennai - 600 028.

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Respondents

(Cause title amended as per order
of this Court in CMP No.561 of 2008
in CRP PD No.2309 of 2003 dated 04.03.2015)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, against the fair and decreetal order dated 17.09.2003 passed by the II Addl. Judge, City Civil Court, Chennai made in unnumbered IASR No.34196 of 2003 in O.S.No.5783 of 2002 on the file of II Addl. City Civil Court, Chennai.

For Petitioner : Ms.Hemalatha Suresh

ORDER

This revision petition arises out of the order passed by II Additional Judge, City Civil Court at Chennai in I.A.S.R.No.34196 of 2003 in O.S.No.5783 of 2002.

2. The plaintiff in O.S. No.5783 of 2002 on the file of II Additional Judge, City Civil Court, Chennai is the petitioner in this revision.

3. The petitioner Bank had instituted a suit against the respondent for recovery of an amount of Rs.2,50,000/- on the basis of the Promissory Note dated 07.02.1990. The petitioner filed I.A.S.R.No.34196 of 2003 to issue supena to the Superintendent of Police (CBI) for production of the original documents. The Trial Court dismissed the application holding that they can obtain certified copy from the CBI Court and prove their case.

4. Heard Ms.Hemalatha Suresh, learned counsel for the petitioner and perused the records.

5. It is seen from the records that the suit was instituted alleging that the defendants have obtained loan from the petitioner bank on executing a

Promissory Note dated 07.02.1990. The Central Bureau of Investigation had registered the case against the defendants on 20.05.1991 and also laid a charge sheet which was taken on file in C.C.No.9699 of 1992.

6. The petitioner is not able to ascertain the fact whether the original documents were marked before the Criminal Court. The learned counsel for the petitioner submitted that the petitioner Bank is not a party to the Criminal proceedings and therefore they cannot get certified copy of the documents. In view of the above facts, I do not find any illegality or irregularity in the order of the Trial Court.

7. In the result, this Civil Revision Petition is dismissed. However, it is open to the petitioner to get certified copies of the documents from the CBI Court or to get back the original documents from the police to prove their case. No costs. Consequently, connected Miscellaneous Petition is closed.

04.03.2015
(2/2)

ds/rg
Index : Yes/No

To

The II Additional Judge,
City Civil Court,
Chennai - 600 104.

K.KALYANASUNDARAM, J.

ds/rgr

C.R.P.(PD) No.2309 of 2003

04.03.2015

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