



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2015

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (MD) .No.146 of 2015 (PD)

and

M.P. (MD) .No.1 of 2015

N.Stephen Benjamin ... Revision Petitioner/Petitioner/Plaintiff

vs.

Indian Overseas Bank
Represented by the Branch Manager,
Maruthancode Branch,
Puthenchanthai,
Maruthancode Post & Village,
Vilavancode Taluk,
Kanyakumari District. ... Respondent/Respondent/Defendant

PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 21.11.2014 in I.A.No.427 of 2014 in O.S.No.485 of 2010 on the file of the II Additional District Munsif, Kuzhithurai allow this civil revision petition.

For Petitioner : Mr.N.S.Ramakrishna Dass

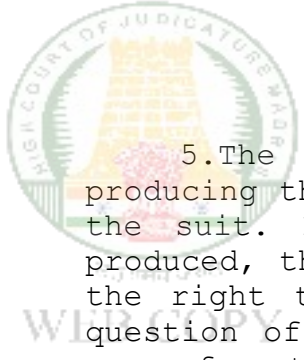
O R D E R

The plaintiff, who had filed the suit for declaration that the loan Account No.AL101/2007, AGRI 1/2007 dated 28.02.2007 is waived under the Agricultural Debt Waiver and Debt Relief Scheme, 2008, has filed the above revision challenging the order refusing to reopen the case.

2.The plaintiff has filed I.A.No.427 of 2014 for reopening the case for the purpose of marking the document, at the stage, when the suit is posted for hearing the arguments.

3.According to the petitioner, the debt wavier scheme 2008 was published in Daily Thanthi Newspapers on 01.03.2008, that the Newspaper cutting is a material document to prove this case. Therefore, I.A is filed to reopen the case and to mark the same. The same was agitated by either side, who is the bank contending that when the petitioner is the custodian of the newspaper, ought to have produced it, during the trial of the case. But, he is seeking to produce the same only on 06.10.2014, when the matter is posted for argument.

4.Besides, the respondent bank has also produced the document relevant to the wavier of agricultural loan announcing scheme and that has also been marked as document in the main suit. It is also considered that the Newspaper item is only a secondary evidence and the same cannot be admitted in evidence at the time when the matter is posted for argument.



5.The plaintiff, who is the borrower had not been diligent in producing the documents, which were available even prior to the filing of the suit. Being aware of the validity of the document sought to be produced, the plaintiff ought to have been diligent enough to produce at the right time. Having elaborately cross-examined the defendant on the question of loan, now, the petitioner cannot be permitted to reopen the case for the purpose of marking the secondary evidence. Hence, the District Munsif Court, who has been conducting the trial had dismissed the I.A correctly. Therefore, there is no infirmity in the order passed by the learned District Munsif.

6.In the result, the civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

\\True copy\\

Sub Assistant Registrar

To

The II Additional District Munsif Court,
Kuzhithurai.

C.R.P. (MD) .No.146 of 2015(PD)
26.03.2015

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