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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2015

CORAM:

THE HONOURABLE Mr. JUSTICE K.K. SASIDHARAN

C.R.P.PD(MD)No.1112 of 2013

and

M.P. (MD)No.1 of 2013

... Petitioner

Vs.

1.Krishnadhas

2.Sivakala

... Respondents

PRAYER: Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order dated 27.11.2012 passed in I.A.No.743 of 2012 in O.S.No.292 of 2011 on the file of the Sub Court, Padmanabhapuram.

For Petitioner : Mr.G.Venugopal

For Respondents : Mr.R.Russal Raj

O R D E R

The petitioner, who is the defendant, filed an application in I.A.No.743 of 2012 in O.S.No.292 of 2011 to decide the validity of the document as a preliminary issue. The application was dismissed by the learned Trial Judge on the ground that the admissibility of the document requires to be decided only during the time of trial. The order dated 27.11.2012 is under challenge in this Civil Revision Petition.

2.The petitioner wanted to decide the issue regarding the validity of the document as a preliminary issue. According to the petitioner, the document relied on by the respondent is described as a promise deed, but, however, in the list of the document it was shown as loan document. The petitioner made a specific contention that the suit document is not a promissory note.

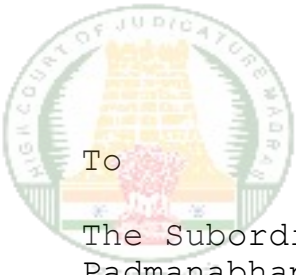
3.The learned Trial Judge was of the view that the issue raised by the petitioner could be decided during the time of trial. The finding given by the learned Trial Judge is in accordance with the settled legal principles. The petitioner has not made out a case for deciding the issue as a preliminary issue.

4.In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected M.P.is closed.

Sd/-

Assistant Registrar(R)

/True Copy/



To

The Subordinate Court,
Padmanabhapuram.

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+One cc to M/s.M.P.Senthil, Advocate, SR.No.29187

+One cc to M/s.R.Russel Raj, Advocate, SR>No.29259

nbj

RL/4 c- 9/7/2015

C.R.P.PD (MD) No.1112 of 2013

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