

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

C.R.P.(PD) No.2940 of 2015

and

M.P.No.1 of 2015

S.Mahendran

... Petitioner

vs.

1.S.Kasiammal

2.S.Chandrasekar

3.S.Saravanan

4.S.Arumugam

5.Varalakshmi

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and decretal order in I.A.No.83 of 2015 in O.S.No.108/2010 dated 3.6.2015 on the file of the Additional Subordinate Judge, Chengalpattu and thereby allow the revision.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.N.Velayudam

ORDER

The petitioner filed an Interlocutory Application before the Trial Court to summon the Branch Manager of Kumbakonam Mutual Benefit Finance Ltd., Ambattur Branch, to prove the Document dated 20.11.2008. The Application was dismissed by the Trial Judge, primarily, on the ground that the petitioner has not clarified with respect to the account number and the relevancy of the evidence. The said order is under challenge in this Civil Revision Petition.

2. The learned counsel for the petitioner contended that in the letter issued by the bank dated 20.11.2008, account number was not specifically mentioned. Though the bank made it clear that the amount due to Thiru. Sivalingam was paid to Ms.S.Kasiammal, the first respondent herein, there was no indication with regard to the account number. It was only on account of the omission to state the account number, the petitioner filed the Application in I.A.No.83 of 2015.

3. The learned counsel for the respondents, on the other hand, submitted that there is no dispute with regard to the disbursement of amount to the first respondent. According to the learned counsel, the amount due to Thiru. Sivalingam, was received by the first respondent. The learned counsel further contended that the first respondent totally received a sum of Rs.52,001/- and the account was closed on 9.8.2007.

4. The petitioner wanted to summon the Bank Manager only for proving the Document dated 20.11.2008. Even though the learned Trial Judge has given her own reasons to dismiss the Application, I am of the view that there is no need for a factual adjudication of the matter in view of the statement made by the learned counsel for the respondents that the first respondent received a sum of Rs.52,001/- from Kumbakonam Mutual Benefit Finance Ltd., Ambattur Branch, as indicated in the Document dated 20.11.2008.

5. Since the respondents have no objection for

marking the Document dated 20.11.2008 which is in the nature of a statement with regard to the payment made to the first respondent, there is no need for further proof either for receiving the document or to decide the admissibility.

6. The Civil Revision Petition is disposed of with the above observation. No costs. Connected Miscellaneous Petition is closed.

7. The learned First Additional Subordinate Court, Chengalpattu, is directed to dispose of the suit in O.S.No.108 of 2010 as expeditiously as possible.

16.11.2016

Index : yes / no

Internet :yes / no

asvm
To

The Additional Subordinate Judge,
Chengalpattu.

K.K.SASIDHARAN, J.

(asvm)

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