

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.2267 of 2016
and
C.M.P.No.11755 of 2016

N.Thangavel
S/o.Nanjappa Gounder

... Petitioner

VS

Canara Bank
represented by its Bank Manager,
Gobichettipalayam.

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order of learned Subordinate Judge, Sathyamangalam, passed in I.A.No.281 of 2015 in O.S.No.66 of 2012 on 11.04.2016.

For Petitioner : Mr.M.Easan

ORDER

This revision arises against the order of learned Subordinate Judge, Sathyamangalam, passed in I.A.No.281 of 2015 in O.S.No.66 of 2012 on 11.04.2016.

2. Respondent/plaintiff has filed O.S.No.66 of 2012 on the file of learned Subordinate Judge, Sathyamangalam, seeking recovery of money. Contending that the acknowledgment of debt which according to respondent/plaintiff was of date 22.09.2009, was false, petitioner/first defendant filed I.A.No.281 of 2015 seeking rejection of the plaint. The Court below, under the impugned order, dismissed such application. Hence, this revision.

3. Heard learned counsel for petitioner.

4. Learned counsel for petitioner referred to the copy of acknowledgment of debt and submitted that the date is not mentioned in the following last line in the acknowledgment of debt and security produced by the bank:

“I/We also confirm that the last acknowledgment of debt/security was executed by me/use on”

5. On a perusal of the copy of acknowledgment of debt and security, this Court finds that the same bears the date 22.09.2009. Learned counsel for petitioner submitted that such entry of date has been made by the bank

authorities. Such question is a matter of evidence in trial. This Court also notes that a plain reading of the sentence referred to by learned counsel makes clear that the same is a reference to, not of the acknowledgment of debt placed before the Court, but was intended to speak to the fact of the date of an earlier acknowledgment.

The Civil Revision Petition shall stand dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

01.08.2016

Index:yes/no
Internet:yes
gm

To
The Subordinate Judge,
Sathyamangalam.

C.T.SELVAM, J

gm

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