

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.11.2016
CORAM**

The Hon'ble Mr.Justice K.K.Sasidharan

C.R.P.(PD)No.2843 of 2016

K.Manickam

...Petitioner

Vs.

M.Marimuthu

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order, dated 11.04.2016, passed in I.A.No.938 of 2015, in O.S.No.385 of 2015, on the file of the Subordinate Court, Pollachi.

For Petitioner : Mr.R.Nandhakumar

For Respondent : M/s.Lesi Saravanan

ORDER

The petitioner filed a Suit in O.S.No.385 of 2015, against the respondent before the Subordinate Court, at Pollachi, claiming a sum of Rs.6,25,480/- on the strength of a Promissory Note, stated to have been executed by the respondent. The respondent appeared before the trial

Court and filed a written statement, denying the execution of the Promissory Note.

2. The petitioner filed an Application in I.A.No.938 of 2015, to direct the respondent to furnish security. The trial Court, initially passed an order, directing the respondent to furnish security. Subsequently, the Application in I.A.No.938 of 2015 was dismissed.

3. The learned counsel appearing on behalf of the petitioner contended that the respondent is having 1/4th share in the property left by his father, and as such, the trial Court was not correct in dismissing the Application in I.A.No.938 of 2015.

4. I have also heard the learned counsel for the respondent.

5. The petitioner filed the Suit in O.S.No.385 of 2015, on the strength of a Promissory Note. The respondent, on appearance before the trial Court, disputed the execution of the Promissory Note. Therefore, there is a vital issue before the trial Court as to whether the respondent executed

the Promissory Note in question. Before deciding such a core issue, it is not proper on the part of the trial Court to direct the respondent to furnish security. Even though the trial Court has given its own reasons in support of the order in I.A.No.938 of 2015, I am of the view that the trial Court was correct in dismissing the Application, on account of the *lis* involved in the matter and on account of the objection raised by the respondent with regard to the execution of the Promissory Note. The impugned order therefore, is not liable to be interfered with by this Court while exercising the revisional jurisdiction.

6. The Civil Revision Petition is dismissed. No costs.

25.11.2016

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Index : Yes/No

Internet ; Yes/No

To

The Subordinate Court, Pollachi.

K.K.Sasidharan,J.,

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