



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

CRP (MD).No.2270 of 2016 and  
C.M.P.(MD).No. 10479 of 2016

1. Jayavel

2. Jeeva : Petitioners/Petitioners/Defendant

Vs.

M/s. MGM Edible Oil Pvt. Limited, Tuticorin  
through its Managing Director,  
M. Gunasekarapandian  
S/o.Mookkaiah  
Door No.1/4709, Mallanginaru Road,  
Virudhunagar

: Respondent/Respondent/Plaintiff

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 22.09.2016 passed in I.A.No.320 of 2016 in O.S.No.98 of 2010 on the file of the Sub Court, Virudhunagar.

For Petitioner

: Mr. L. Prabhu

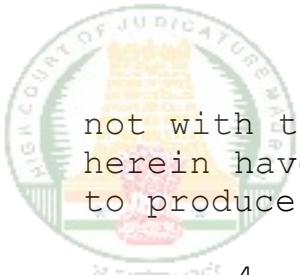
### ORDER

The Civil Revision Petition is filed against the fair and decreetal order dated 22.09.2016 passed in I.A.No.320 of 2016 in O.S.No.98 of 2010 on the file of the Sub Court, Virudhunagar.

2. According to the petitioners that the respondent herein filed the suit in O.S.No.98 of 2010 on the file of the Sub Court, Virudhunagar, for recovery of money. In the aforesaid suit, the revision petitioners have filed written statement. Now, the suit has been taken up for trial. PW.1 was examined and he was cross examined on 17.08.2016. Thereafter, DW.1 was examined and cross examined on 09.09.2016. In such circumstances, the petitioners filed an application in I.A.No.320 of 2016 in the aforesaid suit for the prayer to direct the respondent to produce the receipt for the year 2009 - 2010 on the plaintiff's company. In the said application counter statement has been filed by the respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

3. According to the respondent that the said receipt for the year 2009 - 2010 has already been destroyed and the same was



not with the respondent. Therefore, now the revision petitioners herein have filed the present application to direct the respondent to produce the said receipt.

4. Even though, the petitioners have filed the written statement in the year 2011, the respondent has not chosen to file an application in so far as the direction of the said document. Now, evidence on the side of the plaintiff was over and DW.1 was cross examined at this stage, the present application was filed belatedly for the aforesaid prayer. Therefore, it is clear that the the said application has been filed belatedly there is no reason has been stated in the belated application filed by the petitioners. Even though it has been raised in the written statement, but, the revision petitioners have not chosen to file an application in time and further the suit has been filed by the respondent, it is for the revision petitioners to prove before the Courts below and therefore, this Court does not warrant any interference in the order of the Court below.

5. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Sub Court, Virudhunagar.

+1 cc to MR.L.PRABHU, Advocate SR.No.67118

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