

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.06.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(PD). No.1109 of 2018
and C.M.P.Nos.5812 & 8123 of 2018

J.Kalaiselvi

... Petitioner

Vs.

A.P.Chelvam

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated decretal order passed in I.A.No.679 of 2018 in O.S.No.4895 of 2012 dated 12.02.2018 on the file of learned VIII Assistant Judge, City Civil Court Chennai.

For Petitioner : Mr.R.Ramanlaal

ORDER

The relief sought for in this revision petition is to set aside the order dated decretal order made in I.A.No.679 of 2018 in O.S.No.4895 of 2012 dated 12.02.2018 on the file of learned VIII Assistant Judge, City Civil Court Chennai.

2. The respondent/plaintiff filed a suit against the revision petitioner in O.S.No.4895 of 2012 on the file of the learned IV Assistant Judge, City Civil Court, Chennai. After completion of the pleadings, and after cross examination of the plaintiff side witness (PW1), the respondent filed an application under Order XVI Rule 1(3) of C.P.C in I.A.No.679 of 2018 to summon the Bank Manager for establishing his case. Considering the facts, the trial Court, gave an opportunity to summon the Manager, Bank of Baroda.

3. Aggrieved against the said order dated 12.02.2018, the revision petitioner/defendant is before this Court.

4. Heard the learned counsel for the petitioner and perused the available record.

5. Though the suit is filed by respondent against the petitioner wherein paragraph 4 of the affidavit of the plaintiff in I.A.No.679 of 2018 is stated as follows:

"4. In order to substantiate my claim that money has flown from my account of the respondent / defendant I had already filed a certificate issued by my bank evidencing flow of money.

However, it is necessary that the Manager, Bank of Baroda, Vadapalani Branch should be called as a witness on my side to speak about the account bearing No .29900100004328 and also other accounts maintained by J.Kalai Selvi in the said branch since I do not know as to how many accounts the respondent/defendant maintains in the said Branch."

7. The main contention of the revision petitioner is that except account holder nobody can see the account. The said contention is not sustainable either under law or on facts. For better understanding, from the extraction of the affidavit in para 4 of the application, the main contention of the respondent is that summon the account bearing No.29900100004328 and other accounts of the Kalaiselvi in the said branch and also the certificate filed by him issued by the Bank evidencing flow of money. Therefore, the objects would be caused to summon the Bank Manager .

8. Under these circumstances, this Court finds no illegality or irregularity in the order passed by the trial Court. Therefore, no valid reason has been assigned to interfere with the order passed by the trial Court and finds no merits in this case.

P.VELMURUGAN, J.,

vum

9. In the result, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous petitions are closed. No costs.

11.06.2018

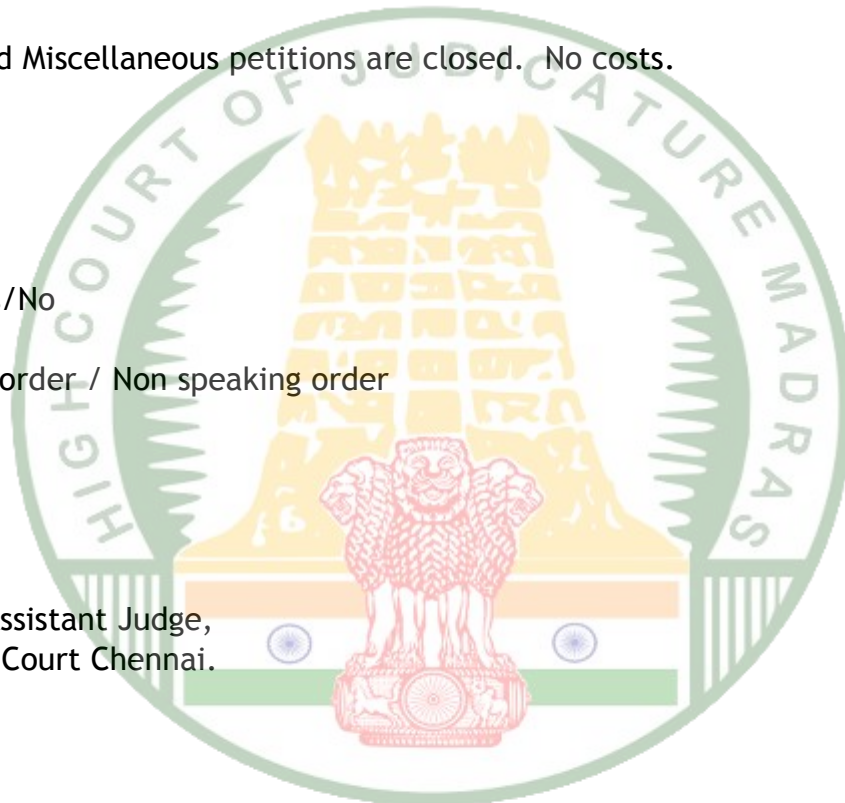
Index:Yes/No

Speaking order / Non speaking order

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To

The VIII Assistant Judge,
City Civil Court Chennai.



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