



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (PD) (MD) .Nos.2110 and 2111 of 2018

and

C.M.P. (MD) No.9304 of 2018

N.Chinnammal

... Petitioner in both CRPs

Vs.

1.State Bank of India,
Through its Manager,
Nambi Raj Kumarar
Periyakulam.

2.MD, Special 82 Endapuli Primary Agriculture
Co operative Loan Society,
Periyakulam.

... Respondents in both CRPs

PRAYER in C.R.P. (PD) (MD) .No.2110 of 2018 : Petition filed under Article 227 of the Constitution of India, to call for the records relating to the order and decreetal order dated 26.06.2018 in I.A.No.92 of 2018 in O.S.No.74 of 2015 on the file of the learned Subordinate Judge, Periyakulam and set aside the same and allow this Civil Revision Petition.

PRAYER in C.R.P. (PD) (MD) .No.2111 of 2018 : Petition filed under Article 227 of the Constitution of India, to call for the records relating to the order and decreetal order dated 26.06.2018 in I.A.No.93 of 2018 in O.S.No.74 of 2015 on the file of the learned Subordinate Judge, Periyakulam and set aside the same and allow this Civil Revision Petition.

For petitioner	: Mr.S.I.Muthiah
For respondents	: Mr.M.Karuppasamy (in both CRPs)

COMMON ORDER

The first defendant in O.S.No.74 of 2015 on the file of the Sub Judge, Periyakulam, is the revision petitioner in both Civil Revision Petitions. It is a suit for payment of money filed by the first respondent bank. After the evidence was closed on either side, the plaintiff filed two I.As., for reopening their side and for marking a statement of account. I.As., were allowed



by the Court below. Questioning the same, this Civil Revision Petition is filed.

2. The learned counsel appearing for the revision petitioner reiterated the contentions set out in the memorandum of grounds and also placed reliance on the decision of the Supreme Court reported in **2013 (14) SCC 1 in Bagai Construction v. Gupta Building Material Store.**

3. He contended that the case was posted for judgment and it was at that stage these applications were filed. The documents in question were very much in the custody of the plaintiff and no explanation has been put forth for not marking them on the earlier occasion.

4. I am unable to subscribe to the statements of the learned counsel for the revision petitioner, though they are attractive. **Bagai Construction v. Gupta Building Material Store** reported in **2013 (14) SCC 1** is a case where the applications filed by the plaintiff was dismissed by the trial Court and the said order of rejection was reversed by the High Court. In such a factual background, the Hon'ble Supreme Court held that the High Court ought not have set aside the well considered order passed by the trial Court.

5. In this case, the Court below has chosen to exercise its discretion in favour of the plaintiff. Therefore, exercising the jurisdiction under Article 227 of the Constitution of India, I do not propose to interfere with such an order. It is not enough to show that an order is erroneous. Some more is required to warrant interference at the hands of this Court in exercise of its jurisdiction under Article 227 of the Constitution of India. It is for this reason, I am decline to interfere in this matter.

6. Accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS-III)

To:

1. Sub Judge,
<https://hcservices.courts.gov.in/>
Periyakulam.



2. The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1 CC TO The Special Government Pleader SR.NO. 86739 & 86738

ORDER MADE IN
C.R.P. (PD) (MD) .Nos. 2110
and 2111 of 2018
and
C.M.P. (MD) No. 9304 of 2018

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TR/SKN/SAR-III (13.11.2018) 3P 5C