

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.12.2019

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRP.(PD).No.3979 of 2019

and

C.M.P.No.26176 of 2019

Selvamurugan ... Petitioner

Versus

1. R. Savithri

2. Logeswari

3. Pratheep Kumar

4. Muniammal ... Respondents

PRAYER: Civil Revision Petition filed under Section 227 of the Constitution of India against the fair and decreetal order passed on 14.10.2019 in I.A.No.2 of 2019 in O.S.No.36 of 2018 by the Hon'ble IV Additional District Judge, Thiruvallur @ Ponneri.

For petitioner : Mr. S.Balasubramanian

ORDER

This Civil Revision Petition has been filed against the order dismissing the application filed by the petitioner to issue subpoena to the Inspector of Police, Economic Offence, Wing II, Kancheepuram, to give evidence in respect of the criminal case pending against the plaintiff.

2. The respondents/plaintiffs filed a suit in O.S.No.36 of 2018 on the file of the Principal District Court, Tiruvallur for specific performance. Petitioner/defendant filed the written statement and contesting the suit. After commencement of trial, the present application has been filed to issue subpoena to the Inspector of Police, Economic Offence, Wing II, Kancheepuram, to produce the First Information Report, which is pending against the respondents/plaintiffs. The trial Court by an order dated 14.10.2019, dismissed the application. Now, challenging the same, the present revision has been filed.

3. Heard the learned counsel for the petitioner and perused the materials available on records carefully.

4. The suit is filed by the respondents/plaintiffs against the petitioner/defendant for Specific Performance and written statement also filed by the petitioner, wherein there is no whisper about the plaintiffs' involvement in a criminal case. But, now after commencement of trial, the application has been filed to issue subpoena to the Inspector of Police, Economic Offence Wing II, Kancheepuram to give evidence in this regard. The trial Court, after considering the materials rightly dismissed the application. It is settled

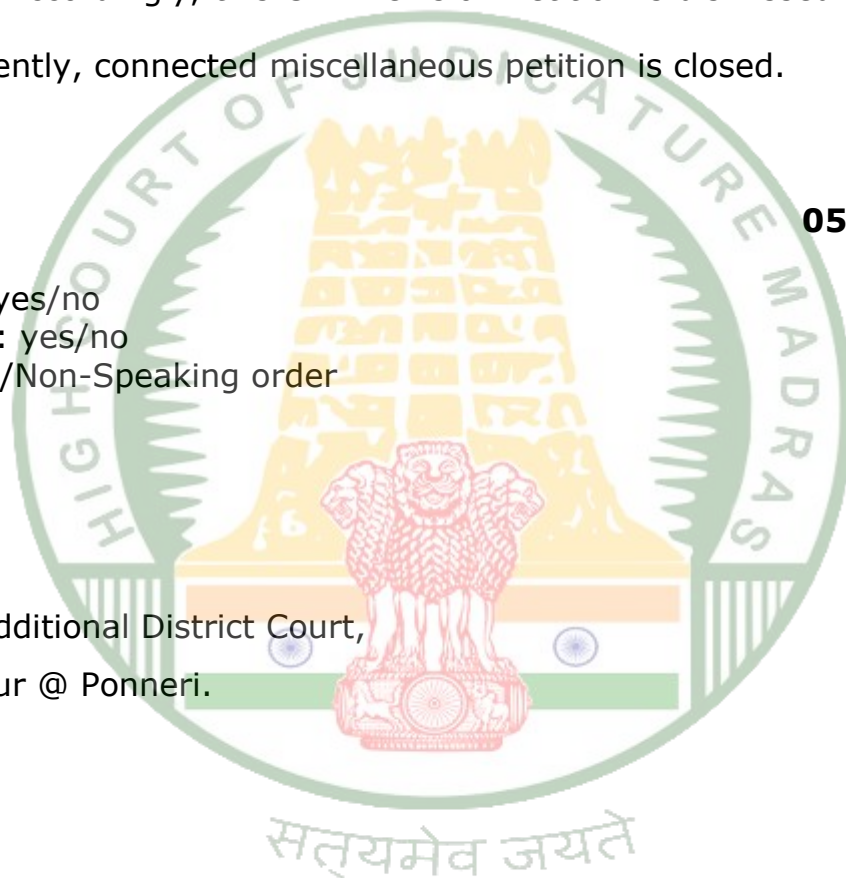
law that without any pleading, evidence can not let in. In the above circumstances, I find no illegality or irregularity in the order passed by the trial Court and I find no merit in the Revision Petition.

5. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

05.12.2019

Index : yes/no
Internet : yes/no
Speaking/Non-Speaking order
mrp

To
The IV Additional District Court,
Thiruvallur @ Ponneri.



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mrp



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