

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.R.P.(NPD) No.2124 and M.P.No.1 of 2013

and

C.R.P.(NPD) No.1921 of 2013 and M.P.No.1 of 2013

Mr.S.R.Babu ...Petitioner in C.R.P(NPD)No.2124 of 2013

Mrs.Prabhavathy ...Petitioner in C.R.P(NPD)No.1921 of 2013

..Vs..

1.Mr.T.Durai

2.Mrs.Prabhavathy ...Respondents in C.R.P(NPD)No.2124 of 2013

1.Mr.T.Durai

2.Mr.S.R.Babu ...Respondents in C.R.P(NPD)No.1921 of 2013

PRAYER in C.R.P(NPD)No.2124 of 2013: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, against the fair order and decretal order passed by the II Assistant Judge, in-charge of IV Assistant Court, City Civil Court, Chennai in I.A.No.13604 of 2011 in O.S.No.2116 of 2011, dated 25.01.2012.

PRAYER in C.R.P(NPD)No.1921 of 2013: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, against the fair order and decretal order passed by the II Assistant Judge, in-charge of IV Assistant Court, City Civil Court, Chennai in I.A.No.14067 of 2011 in O.S.No.2116 of 2011, dated 25.01.2012.

For Petitioners : Mr.T.N.Sugesh in both C.R.Ps

For R1 : Dr.G.Krishnamurthy in both C.R.Ps

For R2 : No appearance in both C.R.Ps

ORDER

The defendants 1 & 2 in O.S.No.2116 of 2011 are the petitioners herein.

2. The first respondent herein filed O.S.No.2116 of 2011 for recovery of money due on pronote and in the said suit, after notice of hearing, they have filed an application seeking leave to defend the case unconditionally in I.A.No.13604 of 2011 filed by the first defendant. While, I.A.No.14067 of 2011 is filed by the second defendant in the suit. They have filed written statement along with the petition contending about the various business transactions between the parties and also the first defendant raised the dispute with regard to the signature in the suit document and the second defendant specifically raised a plea that she is not a signatory to the document. Both the applications were dismissed and hence, separate Civil Revision Petitions have been filed showing the other defendant as a second respondent herein and on memo, notice to the second respondent in the respective Civil Revision Petitions are dispensed with. For R1 none appeared.

3. After hearing the counsel for petitioner and also perused the order, after going through the copy of the suit document and also taking into consideration that the second defendant is not a signatory in the document. It is a point for adjudication and triable issue. Hence, I.A filed by the second defendant in I.A.No.14067 of 2011 is allowed in respect of the other I.A filed by the husband in I.A.No.13604 of 2011 filed by the first defendant, is concerned as he is disputing the signature and also the several transactions said to have been taken place whether they are true and have been proved in the manner known to law, is a triable issue.

4. Hence, both the Civil Revision Petitions are allowed and this Court send this order copy to the Court below within a period of two weeks. On receipt of the order copy from this Court, the trial Court is directed to dispose of the suit within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected M.Ps are closed.

03.02.2020

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Index:Yes/No

Speaking Order:Yes/No

To

The II Assistant Judge, in-charge of IV Assistant Court,
City Civil Court, Chennai

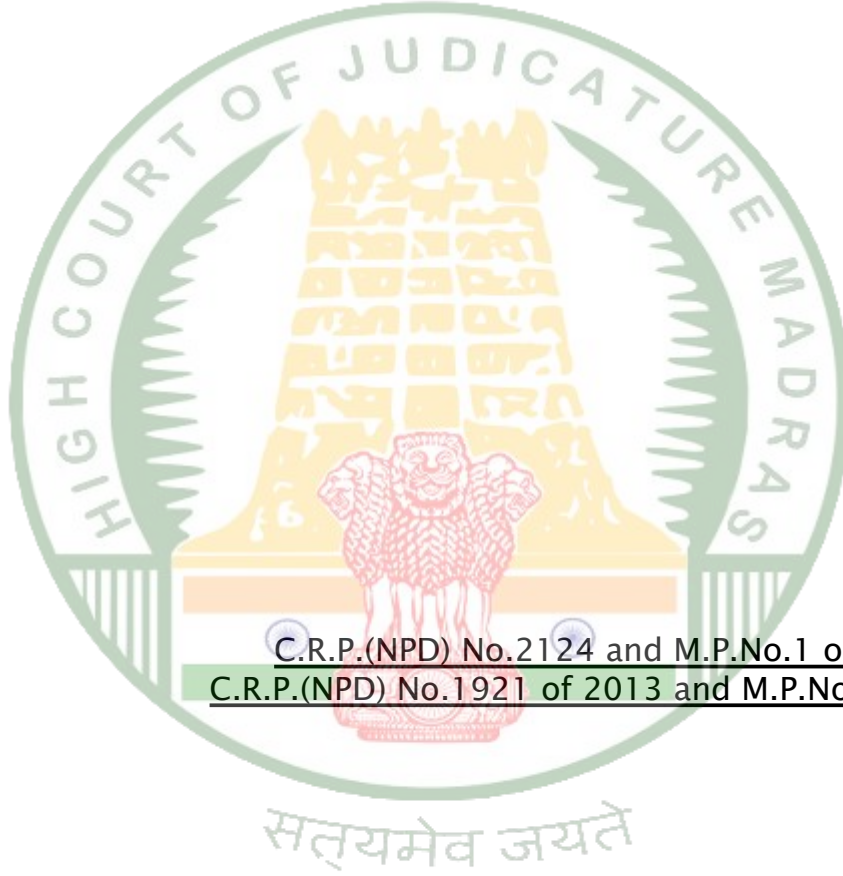


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C.R.P.(NPD) Nos.2124 and 1921 of 2013

RMT.TEEKAA RAMAN,J.,

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C.R.P.(NPD) No.2124 and M.P.No.1 of 2013 and
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