

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.R.P.No. 820 of 2021 and
C.M.P.No.6844 of 2021

Velu @ Velmurugan

... Petitioner

Vs.

S.Abdul Kapoor

... Respondent

Prayer:

Civil Revision Petition is filed under Article 227 of the Civil Procedure Code, to set aside the fair and decretal order dated 07.01.2020 in I.A. No.1 of 2019 in O.S.No.2340 of 2017 on the file of XIII Assistant City Civil Court, Chennai.

For Petitioner : Mr.R.Subburaj

For Respondent : No Appearance

ORDER

The defendant in O.S.No.2340 of 2017 had filed an I.A.No.1 of 2019 under Section 340 of the Code of Criminal Procedure r/w Section 151 of CPC to take criminal action against the respondent/plaintiff.

2. According to the defendant, the plaintiff has fabricated the documents marked as Ex.A2 to Ex.A4 and submitted them before the Court.

3. It is seen that the suit is still pending and final judgment had not been rendered. Further evidence has to be let in and such evidence has to be analysed and the witnesses will have to be cross-examined on the issues framed in the suit. Even before that procedure had been completed, the petitioner/defendant in the suit had filed the said application.

4. I wonder how such an application maintainable. As on date, the suit has not been disposed. Trial will have to proceed in the suit. In the course of the judgement, among other aspects, the relevant documents have to be analysed and a finding will have to be given whether they are fabricated or

not. Thereafter, the Court can proceed in accordance with law.

5. The defendant cannot interfere in such procedure by filing a petition under Section 340 of the Code of Criminal Procedure, more particularly, when the suit is pending and when further evidence has to be recorded by the learned trial Judge.

6. The learned trial Judge is yet to adjudicate on the issues that have been framed which can be done only after examining the evidence is adduced and the documents are marked and the learned trial Judge hears the arguments advanced by the learned counsels for the parties. Thereafter, a judgment will have to be passed in the suit.

7. I do not find any reason to interfere with the order passed by the Court below. There is no merit in the Civil Revision Petition and accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

msm

To

The III Assistant Judge,
City Civil Court,
Chennai.

+1cc to Mr.R.Subburaj, Advocate SR.No.23234

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LN (CO)
GMY (02/07/2021)

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