

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2021

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(PD).No.3062 of 2015

and

MP.No.1 of 2015

A.K.Thangavel

..Petitioner

Vs.

Subbulakshmi

..Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside order in I.A.No.233 of 2015 in O.S.No.229 of 2013 on the file of the II Additional District Court, Tiruppur dated 06.04.2015 and allow the same.

For Petitioner : No appearance

For Respondent : Mr.K.Goviganesan

ORDER

This Civil Revision Petition is directed as against the order in I.A.No.233 of 2015 in O.S.No.229 of 2013 on the file of the II Additional District Court, Tiruppur dated 06.04.2015, thereby dismissing the petition filed by the petitioner seeking to frame additional issues.

2. The respondent who is the plaintiff had filed a suit for recovery of money. During trial, the plaintiff was examined as PW1 and the plaintiff side witness was closed, thereafter the matter was posted for evidence of the defendant. At that juncture the trial court framed the additional issues on 13.08.2014 and reopened the plaintiff side evidence. Addition to PW1 another witness was examined on the side of the plaintiff and posted the matter for defendant side evidence. Again the petitioner/ defendant herein filed an application to frame additional issues as follows:-

“1) Whether the provision of Tamil Nadu Money Lending Act to rule a presumption against due passing of consideration and the greasiness of the Instruments and no-production of account books?

2) Whether the plaintiff was not a professional Money Lender and her occasion as dulored did not require the maintenance of any account books for lending?”

3. A perusal of the plaint shows that the suit is for recovery of money. The respondent/ plaintiff alleged that the petitioner is doing textile business and also doing real estate business, being so the petitioner for his urgent family and business expenses borrowed a sum of Rs.10,00,000/- from the respondent herein. While borrowing the loan he also executed promissory

notes and agreed to repay the same with interest at the rate of 12% p.a. Therefore, the suit is filed for recovery of money on the strength of promissory notes.

4. As such the additional issues sought to be framed by the petitioner herein are unnecessary and no way connected to the averments made in the plaint or the averments made in the written statement. That apart, the petition is filed by the petitioner only to drag on the proceedings and nothing else. Hence, the trial court rightly dismissed the petition, I do not see any irregularity or infirmity in the order of the trial court. Hence, this Civil Revision Petition is **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

06.01.2021

dsa

Speaking/Non-speaking order

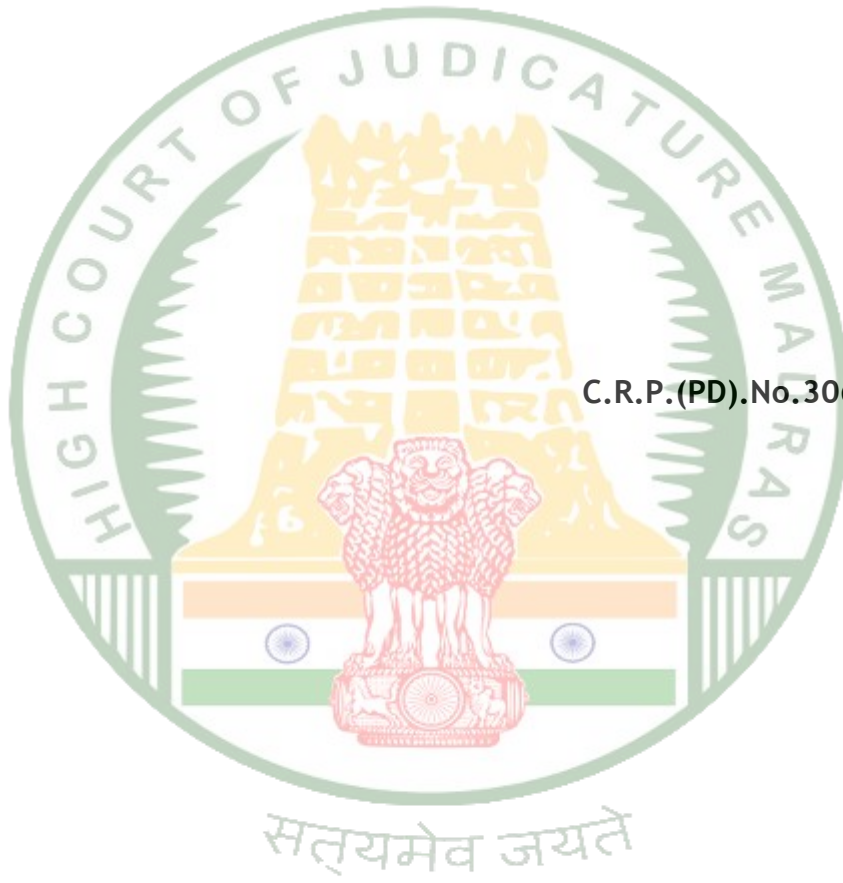
Index : Yes/No

Internet : Yes/No

To

The II Additional District Court, Tiruppur.

G.K.ILANTHIRAIYAN,J.



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