

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2021

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

C.R.P. (PD) Nos.878 & 885 of 2021

1.S.Dayalan ... Plaintiff / Petitioner (in CRP.No.878 of 2021)

2.P.Lakshmi ... Plaintiff / Petitioner (in CRP.No.885 of 2021)

Vs

N.Saravanan ... Defendant / Respondent (in both the CRPs.

Civil Revision Petitions filed under Article 227 of the Constitution of India to direct the II Additional District Court, Ranipet to take the plaint on file in O.S.SR.Nos.239 of 2020 and 240 of 2020.

For Petitioner ... Mr.K.Venkattasubban

For Respondent .. No appearance

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ORDER

Both these revision petitions have been filed by the intended plaintiffs in O.S.SR.No.239 of 2020 and O.S.SR.No.240 of 2020 on the file II Additional District Court, Ranipet.

2.Both the suits have been filed on the basis of promissory notes. Original of the promissory notes are normally expected to be filed. The plaintiff was not able to produce the original promissory note owing to the fact that the defendant appears to have issued a cheque towards the total sum of the four promissory notes and since that particular cheque had been returned for want of funds, the plaintiffs had filed a complaint under Section 138 of the Negotiable Instruments Act, wherein, the original promissory notes which are the subject matter of the present two suits had been filed and had also been taken on record and had been marked as documents.

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3.The plaintiffs have therefore taken certified copies of the promissory notes and had filed them as plaint documents. Objecting to such procedure and insisting that the original promissory notes should be produced, the learned II Additional District Judge, Ranipet, had

refused to number the suit and had returned the plaint. Questioning that particular order, the present Civil Revision Petitions are filed.

4. Let me not go into the merits of the case primarily because that is an issue which has to be established by the plaintiffs. But a direction is issued to the learned II Additional District Judge, Ranipet, to take on record the two plaints subject to necessary undertaking by the plaintiffs, that if at all they obtain the original promissory notes on conclusion of the Calendar Case or appeals therefrom, then they would produce the originals.

5. The learned Judge may also take recourse to Rule 74(2) and Form 22 of the Civil Rules of Practice, wherein the Court can require production of the records of another allied Court and examine the documents if there is any doubt with respect to the documents which had been filed.

6. With the said observation and with the said direction to the learned Judge to take on record the two unnumbered suits, the Civil Revision Petitions are disposed of. No costs.

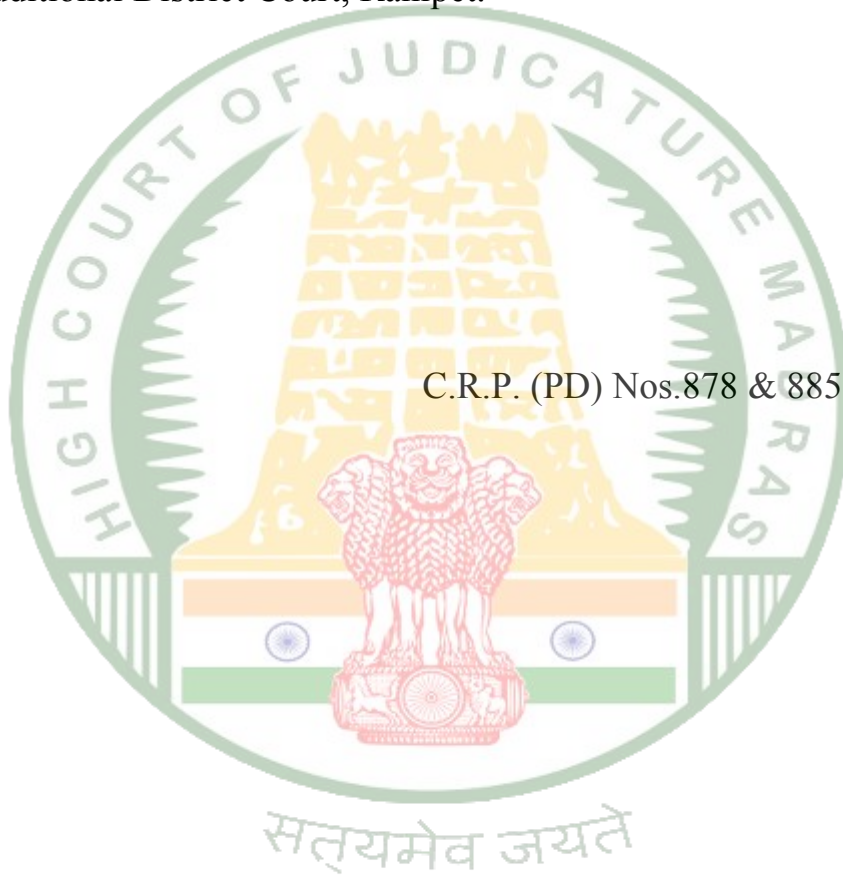
14.06.2021

Internet: Yes/No
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C.V.KARTHIKEYAN,J.

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To
The II Additional District Court, Ranipet.



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