

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM

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

CRP.PD.No.2417 of 2018
and CMP.No.14882 of 2018

1. Jaffer Sidiq
S/o. Late P.M.U. Mohammed Adbul Moshin

2. Fakrudeen Ali Ahmed
S/o. Late P.M.U. Mohammed Adbul Moshin

...Petitioners/Defendants

Vs.

A.Abubacker Siddique
S/o. Aliyar

...Respondent/Plaintiff

PRAYER:

The Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside order Memo dated 06.02.2018 made in O.S.No.465 of 2017 on the file of the Hon'ble XIV Asst City Civil Court at Chennai by allowing the Civil Revision Petition.

For Petitioners : Mr.A.Ilaya Perumal

For Respondent : Mr.L.Prabakar

ORDER

This Civil Revision Petition is filed to set aside order of Memo dated 06.02.2018 made in O.S.No.465 of 2017 on the file of the XIV Assistant City Civil Court, Chennai, thereby allowing the memo filed by the respondent.

2. The respondent is the plaintiff and the petitioners are defendants in O.S.No.465 of 2017. The respondent had filed the suit for recovery of money claiming that he was a tenant under the petitioners' father and that the said money was paid as advance. Since, the respondent was thrown out from the petitioners' premises, the respondent filed the suit against the petitioners. While pending suit, the petitioners claimed plea of discharge as if, they already discharged the advance amount to the respondent. Therefore, the respondent filed a memo stating that the plea of discharge has to be proved by the petitioners by let in evidence in respect of discharge of the advance amount. The said memo was recorded and accepted and the petitioners were directed to let in evidence in the plea of discharge. Against which, the present Civil Revision Petition has been filed.

3. This Court is of the opinion, that the Court below has rightly accepted the memo and directed the petitioners to let in evidence to prove plea of discharge. As such, this Court finds no infirmity or illegality in the order passed by the trial Court.

4. In view of the above, this Civil Revision Petition stands dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs. The trial Court is directed to dispose of the suit in O.S.No.465 of 2017 within a period of six months from the date of receipt of copy of the order.

22.06.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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To

The XIV Assistant City Civil Court
Chennai

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G.K.ILANTHIRAIYAN,J.

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