

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2021

CORAM

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

CRP.PD.No. 2358 of 2017

and

CMP.No.11105 of 2017

K.Boopathy

... Petitioner

Vs.

T.A.Subramaniam

... Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order dated 12.04.2017 made in I.A.No.231 of 2017 in O.S.No.5 of 2009 on the file of the learned Subordinate Judge, Perundurai by allowing this Civil Revision Petition.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.M.Guruprasad

ORDER

This Civil Revision Petition is directed as against the fair and decretal order passed in I.A.No.231 of 2017 in O.S.No.5 of 2009 dated 12.04.2017 on the file of the learned Subordinate Judge, Perundurai.

2. The petitioner is the first defendant. The respondent is the plaintiff. He filed a suit for specific performance, on the strength of the registered agreement for sale dated 06.07.1998, in respect of the suit property. The petitioner also filed a written statement on 20.09.2000 itself. Thereafter, in the year 2017, the petitioner filed a petition seeking permission to receive additional documents, in respect of the proceedings initiated by the respondent under Section 138 of the Negotiable Instruments Act. The reasons stated in the accompanying affidavit filed with the petition revealed that the respondent is the Court bird to institute various proceedings both in the civil forum and criminal forum. He has filed several cases under Section 138 of the Negotiable Instruments Act. Therefore, only to grab the property belonged to the petitioner, the present suit has been laid.

3. On a perusal of the written statement filed by him no whisper was made about those allegations and after period of 7 years, the petitioner has come forward with this petition only to drag on the proceedings. That apart, even according to the petitioner, the respondent only initiated proceedings under Section 138 of the Negotiable Instruments Act. Those documents no

way connected to the present suit by the respondent herein and no way it would help the petitioner to defend his case. Therefore, this Court finds no irregularity or infirmity in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition is dismissed.

Consequently, the connected Miscellaneous Petition is closed. No costs.

09.02.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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To

The Subordinate Judge, Perundurai



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G.K.ILANTHIRAIYAN,J.

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