

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2021

CORAM

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

CRP.PD.No.3617 of 2017

and

CMP.No.16907 of 2017

J.K.K.Natarajah Dhanlalshmi Trust
Komarapalayam by its
Managing Director
No.Senthamarai,
230, Salem Main Road,
Komarapalayam - 638 183,
Tiruchengode Taluk,
Namakkal District

..Petitioner

Vs.

K.S.Sekar

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 02.08.2017 made in IA.No.596 of 2017 in OS.No.194 of 2011 on the file of the learned Sub Court, Tiruchengode.

For Petitioner : Mr.N.M.Manokaran

For Respondent : Mr.R.Marudhachalamurthy

ORDER

The civil revision petition is directed as against the fair and decreetal order dated 02.08.2017 made in IA.No.596 of 2017 in OS.No.194 of 2011 on the file of the learned Sub Court, Tiruchengode thereby allowing the petition to receive the documents which were intended to be marked through one, K.S.Pooranam.

2. The petitioner is the defendant. The respondent is the plaintiff. The respondent filed suit for recovery of money. After examining PW1, the respondent filed petition to receive documents through one, K.S.Pooranam. On perusal of the plaint filed by the respondent herein, there is no whisper about those documents and also transaction between the respondent and the said K.S.Pooranam. The case of the petitioner is that the petitioner along with one Asokan were allotted shop in the theater premises by the respondent. Both initially paid sum of Rs.7,00,000/- and the accrued interest was adjusted towards monthly rent. While being so, the said Asokan repaid the said amount and he vacated the shop premises situated in the theater. Insofar as the respondent is concerned, he also paid further sum and continued as tenant under the petitioner herein. Thereafter the petitioner failed to settle the entire amount and as such the

respondent filed suit for recovery of money.

3. In the entire plaint, nowhere pleaded about the transaction between the petitioner and the said K.S.Pooranam. While being so, the respondent filed petition to receive documents which were related between the respondent and the said K.S.Pooranam. The documents which were said to be marked revealed that money transaction between the respondent and the said K.S.Pooranam. Therefore those transaction would not help the respondent to proceed his case. Further after examining PW1, after period of six years, the respondent intended to mark those documents, that too only for the purpose of establishing the conduct of the petitioner herein. Without any pleadings with regards to transaction between the respondent and the said K.S.Pooranam, the documents related to the said transaction cannot be allowed to be marked.

4. In view of the above discussion, the order passed by the court below is perverse, illegal and liable to be set aside. Accordingly, this civil revision petition is allowed and the order dated 02.08.2017 made in IA.No.596 of 2017 in OS.No.194 of 2011 on the file of the learned Sub Court, Tiruchengode is set aside. Further, considering that the suit is of

the year 2011, the trial court is directed to dispose of the suit within a period of nine months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. No order as to costs.

23.02.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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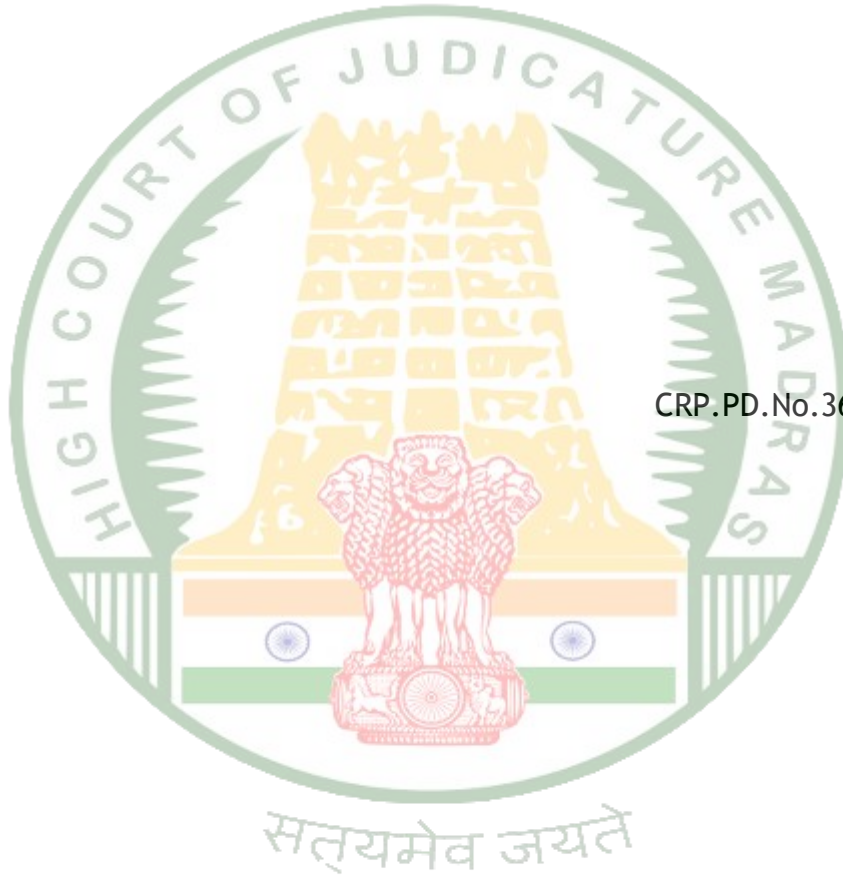
The learned Sub Judge,
Tiruchengode.



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G.K.ILANTHIRAIYAN,J.

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