

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2021

CORAM

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

CRP.PD.No.916 of 2017

and

CMP.No.4567 of 2017

M/s.Kreativ Solutions
Rep by its Managing Partner
Mr.Rajasekaran
B-3 C-3, 2nd Floor,
No.600 Parsan Commercial Complex,
Anna Salai, Chennai – 6.

... Petitioner

Vs.

M/s.Balaji Finance Limited,
Unit No.-209, 210, 2nd Floor,
Delta Wing, Raheja Towers,
177, Anna Salai, Chennai – 600 002.

... Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the petition and docket order dated 09.01.2017 in I.A.No.8150 of 2016 in O.S.No.7013 of 2014 on the file of the VIII Assistant City Civil Judge, Chennai.

For Petitioner : Mr.R.Neethi Perumal

For Respondent : No Appearance

ORDER

This Civil Revision Petition is directed as against the docket order passed in I.A.No.8150 of 2016 in O.S.No.7013 of 2014 dated 09.01.2017 on

the file of the learned VIII Assistant City Civil Judge, Chennai. thereby, dismissing the petition for direction to direct the respondent to produce the original loan application signed by the petitioner in respect of loan Account No.403PSB03087205, for the purpose of marking document as plaintiff's document.

2. The petitioner is the plaintiff and the respondent is the defendant. The petitioner filed a suit for permanent injunction restraining the respondent from causing any kind of harassment and nuisance. The petitioner borrowed a loan. When the petitioner marketing personnel to give the details of the loan and other particulars, the petitioner was informed that all the particulars and every details will soon reach the petitioner through courier. He further found that the loan was sanctioned to the tune of Rs.22 lakhs and found from his account that a sum of Rs.19,43,053/- had been received by him with shortage of 2,57,000/-. Therefore, he sought for loan application signed by the petitioner along with eligible copy of the same in respect of the loan Account No.403PSB03087205, for the purpose of marking it as document. When the suit was moved, by an order dated 09.12.2014, the ex-parte injunction was granted in favour of the petitioner as against the respondent herein. While injunction petition is pending, the

petitioner filed the present I.A.

3. On a perusal of the records, it reveals that the Court below, after numbering the I.A, adjourned several occasions for filing counter. On 09.01.2017, the petition was closed for the reason that the suit is ripe for trial. There is no interim order passed or in force at that stage and this petition is unnecessary. It is nothing but a non-speaking order and it is liable to be set aside.

4. In view of the above discussion, this Civil Revision Petition is allowed and the docket order passed in I.A.No.8150 of 2016 in O.S.No.7013 of 2014 dated 09.01.2017 is set aside. The matter is remanded back to the trial Court for fresh consideration and the trial Court is directed to pass orders on merits and in accordance with law. Consequently, the connected Miscellaneous Petition is closed. No costs.

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15.03.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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G.K.ILANTHIRAIYAN,J.

Kv

To

1. The VIII Assistant City Civil Judge, Chennai.
2. The Section Officer,
V.R. Section, High Court of Madras.



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