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C.R.P. (MD) Nos.1094, 1095 and 1112 of 2020 and
C.M.P. (MD) No.7104 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2021

CORAM :

THE HONOURABLE MS.JUSTICE **P.T.ASHA**

C.R.P. (MD) Nos.1094, 1095 and 1112 of 2020
and
C.M.P. (MD) No.7104 of 2020

Vasantha

... Petitioner in all C.R.Ps.,

vs.

Sivakumar

... Respondent in all C.R.Ps.,

COMMON PRAYER:- This Petitions are filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 29.10.2020 passed in I.A.Nos.523, 524 and 525 of 2019 in O.S.No.295 of 2015 on the file of the learned Subordinate Judge, Pattukottai.

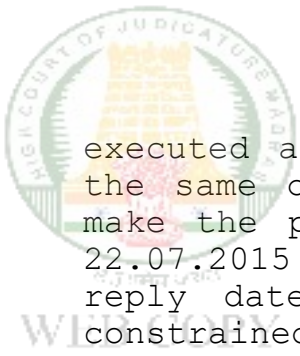
For Petitioner
in all C.R.Ps., : Mr.V.M.Balamohan Thambi

For Respondent
in all C.R.Ps., : Mr.S.Deenadhayan

COMMON ORDER

The plaintiff in the suit in O.S.No.295 of 2015 has filed these revision petitions, challenging the common order passed by the learned Subordinate Judge, Pattukottai in I.A.Nos.523, 524 and 525 of 2019 in O.S.No.295 of 2015, which are the applications filed for a) reopening the case for further examination of P.W1, b) recalling P.W1 for further examination and marking of documents and c) condoning the delay in filing the documents enlisted in the petition respectively. The suit in O.S.No.295 of 2015 is filed for recovery of a sum of Rs.4,00,000/- due on a pro note together with interest at the rate of 12% per annum from the date of the promissory note ie., 23.11.2012 till the date of payment.

2.The plaintiff/petitioner would submit that the respondent had borrowed a sum of Rs.4,00,000/- from her on 23.11.2012 and had
<https://hcservices.ecourts.gov.in/hcservices/>



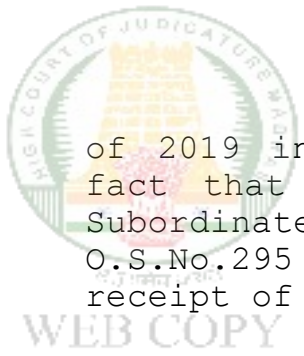
executed a promissory note as security thereof promising to repay the same on demand. Since the respondent had not come forward to make the payment, the petitioner had issued a legal notice dated 22.07.2015 and the respondent on receiving the same had issued a reply dated 27.07.2015, containing false allegations, which had constrained the petitioner to file the suit.

3.The respondent had countered the said allegations by *interalia* contending that he had not borrowed any amount from the petitioner nor did he execute any promissory note in favour of the petitioner or receive a single penny from the petitioner. The respondent has pleaded that he had a transaction with the petitioner in respect of his property at Mohur West Village comprised in S.No.56/3A measuring an extent of 4.13 cents. The respondent had informed the petitioner that he was in the real estate business and that he would help the petitioner to sell the property and believing him, she had handed over the original documents. After the evidence of the witnesses on both sides and when the matter was posted for arguments, the petitioner had come forward with the impugned applications. The basis, on which these applications have been filed, is that during the cross-examination of P.W1/the petitioner herein, the respondent's counsel had cross examined her extensively on her capacity to extend a loan of a sum of Rs.4,00,000/-. To prove the same, the petitioner had come forward with the above applications stating that she wanted to file documents to prove that she had necessary wherewithal. The respondent had countered the same stating that the attempt was only to protract the proceedings.

4.Heard the learned counsels on either side.

5.A perusal of the records would indicate that the evidence of P.W1 had concluded on 01.04.2019 and the respondent's side evidence has been completed on 28.08.2019 and thereafter, the matter was posted for arguments and the learned counsel for the petitioner/plaintiff had completed the arguments. Thereafter, when the matter was posted for the respondent's arguments, these applications have come to be filed. The ground, on which the applications are said to be filed, is that questions had been asked to the petitioner when she had entered into the box as P.W1 as to her financial capacity to extent a huge loan of Rs.4,00,000/-. The records would show that the evidence of P.W1 has been completed on 01.04.2019 and the present applications have been moved only much later. This is nothing but an attempt to protract the proceedings particularly when the matter is at the argument stage. The petitioner had not made out any ground under Order XVIII Rule 17 of the Code of Civil Procedure for reopening the evidence and recalling her.

6.I do not find any infirmity in the common order passed by the learned Subordinate Judge, Pattukottai in I.A.Nos.523, 524 and 525



of 2019 in O.S.No.295 of 2015, dated 29.10.2020. Considering the fact that the suit is now at the arguments stage, the learned Subordinate Judge, Pattukottai is directed to dispose of the suit in O.S.No.295 of 2015 within a period of one month from the date of receipt of a copy of this order.

7.In the result, these Civil Revision Petitions stand dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar(CS)

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To

The Subordinate Judge,
Pattukottai.

+1 CC to M/s.BALA MOHAN THAMBI, Advocate (SR-35785[F] dated 25/11/2021)

+1 CC to M/s.S. DEENADHAYALAN, Advocate (SR-36006[F] dated 26/11/2021)

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