



CRP.No.956 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRP.No.956 of 2019 and
CMP.No.13302 of 2020

1.Periyasamy
2.Kannan

... Petitioners

Vs.

Muniyapillai

... Respondent

PRAYER:

Civil Revision petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal orders dated 03.01.2019 in IA.No.549 of 2018 in OS.No.331 of 2010 on the file of the Principal District Munsif Court, Vridhachalam.

For Petitioners : Mr.KSL Narain

For Respondent : Mrs.R.Meenal

ORDER

This civil revision petition has been filed to set aside the fair and decretal orders dated 03.01.2019 in IA.No.549 of 2018 in OS.No.331 of 2010 on the file of the Principal District Munsif Court, Vridhachalam.



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Heard, the learned counsel for the petitioners and the learned counsel for the respondent.

3. The petitioners are the defendants and the respondent is the plaintiff. The respondent filed suit for recovery of money on the mortgage. While pending the suit, after period of eight years, the petitioners filed petition to compare voice available in the compact disk with the sample voice of the respondent herein. According to the petitioners, before filing the suit, there was compromise negotiation arranged between the petitioners and the respondent and the said negotiation voice of the respondent was recorded.

4. It is seen that the petitioners admitted the execution of mortgage deed and even ready to pay the principal amount with simple interest by the additional written statement. Thereafter, they came forward with the petition to compare the voice. Therefore, it is nothing but clear abuse of process of court and no purpose would be served if the voice is compared. Therefore, the court below rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the court below.



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5. Accordingly, this civil revision petition is dismissed. However, the trial court is directed to dispose of the suit in OS.No.331 of 2010 within a period of six months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

23.12.2022

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order
lok



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G.K.ILANTHIRAIYAN, J.

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To
The Principal District Munsif Court,
Vridhachalam.

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