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C.R.P.(NPD) No.1676 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

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THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.1676 of 2022

and

C.M.P No.8332 of 2022

A.Asma Begum

... Petitioner

Vs.

R.A.Aslam

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 25.11.2021 passed in I.A.No.1 of 2019 in O.S.No.2109 of 2019 by the IV Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.E.Prabu

ORDER

This Civil Revision Petition has been filed challenging the order of the learned IV Assistant Judge, City Civil Court, Chennai dated 25.11.2021 passed in I.A.No.1 of 2019 in O.S.No.2109 of 2019.



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2. The petitioner is the defendant in the suit filed by the respondent in O.S.No.2109 of 2019. After entering appearance, the revision petitioner had filed a petition for seeking leave to defend vide I.A.No.1 of 2019 and the same was dismissed. Aggrieved over that, the revision petitioner has preferred this revision.

3. The suit has been filed by the respondent / plaintiff for recovery of money on the basis of a cheque transaction for a sum of Rs.5,00,000/-. A cheque was issued by the defendant dated 05.05.2016 towards the discharge of the amount availed by him from the plaintiff. Subsequently, he got back the cheque from the plaintiff and gave another cheque drawn in Punjab National Bank dated 31.05.2018 for a sum of Rs.2,50,000/-. The said cheque was presented for collection and it was returned for "insufficient funds".

4. The revision petitioner filed leave to defend petition by alleging that the alleged loan transaction is not true and even the signature in the cheque was a forged one. When the impugned cheque was presented for collection, it was returned only for the reason "insufficient funds" and not



the cheque contained forged signatures or even 'signature differs'. The learned trial Judge had dealt the above issue in a right perspective and observed that the revision petitioner did not raise any substantial fact and there is triable issue. I do not find any grounds for interference.

5. Accordingly, the Civil Revision Petition is dismissed and the fair and decreetal order passed in I.A.No.1 of 2019 in O.S.No.2109 of 2019 dated 25.11.2021 by the IV Assistant Judge, City Civil Court, Chennai, is hereby confirmed. No Costs. Consequently, connected Miscellaneous Petition is closed.

10.06.2022

Index : Yes/No
Speaking Order : Yes / No
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To

1. The IV Assistant Judge,
City Civil Court
Chennai.
2. The Section Officer,
VR Section, Madras High Court,
Chennai.



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R.N.MANJULA, J.,

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