



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD)Nos.401 & 402 of 2022

and

C.M.P. (MD)No.1761 of 2022

1.Asraf Ali
2.Abdul Rahman Basith
3.Naina Mohamed Ravuthar ...Petitioners/Petitioners/
 Plaintiffs in both CRPs.
Vs.
1.Shahinsa Banu
2.Johnsbegum ...Respondents/Respondents/
 Defendants in both CRPs.

COMMON PRAYER: Civil Revision Petition under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 22.01.2022 passed in I.A.Nos.610 & 611 of 2021 in O.S.No.110 of 2017 on the file of the Subordinate Court, Aranthangi, and allow the present Civil Revision Petition.

In both CRPs.

For Petitioners :M/s.N.Rahamadullah
For R-1 :Mr.V.S.Badhirinath
For R-2 :No appearance

COMMON ORDER

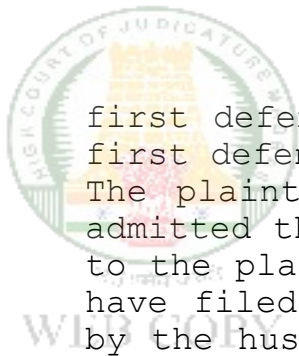
These Civil Revisions have been filed to set aside the fair and decreetal order, dated 22.01.2022 in I.A.Nos. 610 & 611 of 2021 in O.S.No.110 of 2017 passed by the learned Subordinate Judge, Aranthangi.

2.The parties are referred to as per the rank mentioned before the Court below.

3.The plaintiffs have filed a petition in I.A.No.610 of 2021 to re-open the case for argument and I.A.No.611 of 2021 was filed to send for certain documents.

4.Heard on either side. Perused the material documents available on record.

5.The plaintiffs have filed a petition in I.A.No.611 of 2021 to send for documents from Jamath which is stated to be executed by the



first defendant. But, there is no pleadings in the plaint. The first defendant had executed the undertaking deed before the Jamath. The plaintiffs have stated that as per evidence of D.W.1 she has admitted that the document was executed by her to pay the amount due to the plaintiffs. But, as per the cause of action, the plaintiffs have filed the suit only on the basis of undertaking deed executed by the husband of the first defendant. In the plaint, there is no pleadings about the document.

6.It is revealed from the evidence of D.W.1 that there is no admitted portion that she has executed the undertaking deed. The plaintiffs have to prove the case on his own documents. Already evidence was closed and the suit was posted for argument.

7.In view of the aforesaid reasons, there is no inference in the order passed by the Court below. The trial Court has rightly dismissed the petitions.

8.Accordingly, these Civil Revision Petitions are dismissed by confirming the fair and decreetal order, dated 22.01.2022 in I.A.Nos.610 & 611 of 2021 in O.S.No.110 of 2017 passed by the learned Subordinate Judge, Aranthangi. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

The Subordinate Judge,
Aranthangi.

**Common Order made in
C.R.P. (MD)Nos.401 & 402 of 2022
11.04.2022**

MA (CO)

GC (02.06.2022) 2P 2C

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