

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

RESERVED ON	21.04.2022
DELIVERED ON	10.06.2022

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CORAM :**THE HONOURABLE MRS.JUSTICE S.ANANTHI****CR.P.(MD)Nos.533 & 534 of 2022****and****C.M.P.(MD)Nos. 2324 of 2022**

Tamil Selvi

...Petitioner/Petitioner/3rd
defendant in both CRPs.

Vs.

1.Minor.T.Madhavan

2.Minor.Sundara Prakash

3.Dhanabalan

4.Uma Maheshwari

...R-1 to R-4/R-1 to R-4/Plaintiffs in
CRP(MD)No.533 of 2022

5.Rajeshwari

6.Madhubalan

7.Indian Bank Branch Manager,
Natham Town,
Dindigul District....R-5 to R-7/Respondents/Defendant-1,2 &
4 in CRP(MD)No.533 of 2022

1.Minor.T.Madhavan

2.Minor.Sundara Prakash

3.Dhanabalan

4.Uma Maheshwari

...Respondents/Respondents/Plaintiffs
in CRP(MD)No.534 of 2022

PRAYER in C.R.P.(MD)No.533 of 2022: Civil Revision Petition under Article 227 of Constitution of India, to call for the records and set aside the fair and decretal order dated 12.03.2020 in I.A.No.1492 of 2019 in O.S. No.35 of 2012 on the file of the Principal District Munsif Court, Dindigul and allow this Civil Revision Petition.

PRAYER in C.R.P.(MD)No.534 of 2022: Civil Revision Petition under Article 227 of Constitution of India, to call for the records and set aside the fair and decretal order dated 20.12.2021 in I.A.No.558 of 2020 in O.S.No.35 of 2012 on the file of the Principal District Munsif Court, Dindigul and allow this Civil Revision Petition.

**In both C.R.Ps**

For Petitioner
For R-1 to R-4

:M/s.H.Lakshmi Shankar
:Mr.R.R.Kannan

COMMON ORDER

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C.R.P. (MD) No.533 of 2022 has been filed to set aside the fair and decretal order, dated 12.03.2020 in I.A.No.1492 of 2019 in O.S.No.35 of 2012 passed by the learned Principal District Munsif, Dindigul.

C.R.P. (MD) No.534 of 2022 has been filed to set aside the fair and decretal order, dated 20.12.2021 in I.A.No.558 of 2020 in O.S.No.35 of 2012 passed by the learned Principal District Munsif, Dindigul.

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

3.The 3rd defendant has filed a petition in I.A.No.1492 of 2019 in O.S.No.35 of 2012 to re-open the case and the same was dismissed. The petitions in I.A.No.557 of 2020 has been filed to re-open the case for marking of documents and the same was allowed and I.A.No.558 of 2020 has been filed to review the order in I.A.No.492 of 2019 was dismissed on 20.12.2021. Aggrieved by the same, the revision petitioner/tenant is before this Court.

4.Heard on either side and perused the material documents available on record.

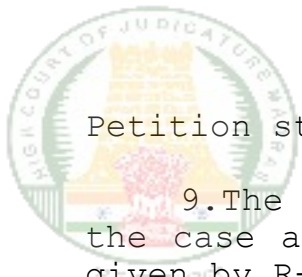
5.These Civil Revision Petitions have filed on the ground that the Trial Court has failed to see that P.W.1 during her cross-examination has categorically admitted about the enquiry before the police, the statements given by her husband and that he signed it and so and the defendants 1 & 2 and that there was a resolution of the dispute. Hence, the document which is sought to be produce is only the proceedings of the enquiry containing the report of the investigating officer and the statements of the parties, which are not under dispute. The Trial Court ought not to have dismissed the application without even perusing the contents of the document.

6.C.R.P. (MD) No.534 of 2022 has been filed against the order passed in I.A.No.558 of 2021.

7.I.A.No.557 of 2021 has been filed to re-open the case and the same was allowed. After re-opening I.A.No.558 of 2021 was heard and dismissed on the ground that there was no reason for review.

8.The petitioner has also filed C.R.P. (MD) No.533 of 2022 against the order in I.A.No.1492 of 2019. So, this Civil Revision

<https://hcservices.ecourts.gov.in/hcservices/>



Petition stands dismissed as not maintainable.

9.The petition in I.A.No.1492 of 2019 has been filed to reopen the case and marking of documents. The document is that statement given by R-3, R-5 & R-6 in a police complaint at the time of pending the suit. The suit can be decided with the facts at the time of filing suit. Eventhough, the statements not recorded under Section 161 of Criminal Procedure Code, but given before the police officials that too in pending suit.

10.Already, the 3rd defendant has denied the contents of documents at the time of evidence only the plaintiff has to prove his case on his own documents.

11.Since the documents executed at the time of pending suit and not at all relevant to this suit.

12.The trial Court has rightly dismissed the petitions and this Court has no valid reason to interfere with the order passed by the Court below.

13(i). C.R.P. (MD) No.533 of 2022 stands dismissed by confirming the order, dated 12.03.2020 in I.A.No.1492 of 2019 in O.S.No.35 of 2012 passed by the learned Principal District Munsif, Dindigul.

(ii) C.R.P. (MD) No.534 of 2022 stands dismissed by confirming the order, dated 20.12.2021 in I.A.No.558 of 2020 in O.S.No.35 of 2012 passed by the learned Principal District Munsif, Dindigul. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ksa

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 Principal District Munsif,
Dindigul.



+2 CC to M/s.RR KANNAN, Advocate (SR-25200[F],25201 dated
10/06/2022)

C.R.P. (MD) Nos.533 & 534 of 2022
10.06.2022

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