



C.R.P. No. 1358 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.08.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P. Nos. 1358,1359 and 1362 of 2023

P. S. Sengottu Velu

...Petitioner in all C.R.P's

.Vs.

1. Poongodi

2. S.V. Sivakumar

3. M. Muthusamy

4. N. Jayabalamurugan

5. V. Palraj

6. S. Indra

..Respondents in C.R.P. Nos. 1358 of 2023

1. R. Kailasa Gounder

2. S.V. Sivakumar

3. M. Muthusamy

4. N. Jayabalamurugan

5. Palraj

..Respondents in C.R.P. Nos. 1359 of 2023



C.R.P. No. 1358 of 2023

1. Nainamalai

2. S.V.Sivakumar

3. M. Muthusamy

4. N. Jayabalamurugan

5. V. Palraj

6. S. Indra ..Respondents in C.R.P. Nos. 1359 of 2023

Prayer in C.R.P. Nos. 1358 of 2023: This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the impugned order dated 28.01.2022 in I.A.No.435 of 2017 in OS.No.239 of 1998 on the file of the Principal Subordinate Judge, Salem and to pass orders.

Prayer in C.R.P. Nos. 1359 of 2023: This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the impugned order dated 28.01.2022 in I.A.No.432 of 2017 in OS.No.239 of 1998 on the file of the Principal Subordinate Judge, Salem and to pass orders.

Prayer in C.R.P. Nos. 1362 of 2023: This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the impugned order dated 28.01.2022 in I.A.No.431 of 2017 in OS.No.239 of 1998 on the file of the Principal Subordinate Judge, Salem and to pass orders.

For Petitioner : Mr.Nirmal Aditya



ORDER

These petition have been filed to set aside the orders passed by the Principal Subordinate Judge, Salem in I.A.No.435 of 2017 in OS.No.239 of 1998, I.A.No.432 of 2017 in OS.No.239 of 1998 and I.A.No.431 of 2017 in OS.No.239 of 1998 on 28.01.2022.

2. The facts of the case is that the first respondent in all the C.R.P's are depositors in Chamundi group of finance companies which are under the administrators who are arrayed as respondents 2 to 5 in all the C.R.P's. The petitioner herein was granted permission to examine the truthfulness of the claims finalized by the administrators as per the orders passed by this Court in C.R.P.No.4357 of 2011 and C.R.P.No.4358 of 2011 on 20.04.2016. The first respondents in all the C.R.P's are claimants for repayment of money under promissory notes. Hence, they filed the above I.A's to entertain their claim on the basis of the promissory notes and all the I.A's were allowed by the learned Judge vide order dated 28.01.2022 with a condition that the claimants are directed to produce the original documents and the time granted to produce the document is within a period of two months. Aggrieved over the same the petitioners have come up with this petition.



3. The learned counsel for the petitioners submitted that the claim of the respondents/claimants is barred by limitation. The respondent/claimant had deliberately filed the I.A's after a lapse of 17 years from the date of the Judgment as the suit is of the year 1998. He further submitted that as per the decree passed in the suit the claimants ought to have filed their claims within a period of three months from the Judgment. Whiles no claims will be considered after three months. He further submitted that the learned Judge before the Court below ought not to have entertained the I.A's filed by the respondents. Hence he prays to allow this petition.

4. On perusal of impugned order it reveals that the claimants/respondents herein have not produced original promissory notes for verification by the administrators. If the claims of the respondents are genuine they ought to have produced the original documents at the time of filing of the I.A's or even at the time of passing the Judgment in the I.A's. If the original promissory notes are available with the claimants they can very well produce the same before the Court below and nothing prevented them to produce the original documents which is the subject matter of this petition.



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5. In view of the above, it is made clear that the impugned order suffers from infirmity, which calls interference by this Court and the impugned orders deserves to be set aside and the same is hereby set aside.

6. Accordingly, the order passed in I.A.No.435 of 2017 in OS.No.239 of 1998, I.A.No.432 of 2017 in OS.No.239 of 1998 and I.A.No.431 of 2017 in OS.No.239 of 1998 on 28.01.2022 on the file of the Principal Subordinate Judge, Salem is hereby set aside and these Civil Revision Petition are allowed. No order as to costs.

23.08.2023

smn

Index : Yes/No

Internet: Yes/No

To.

The Principal Subordinate Judge, Salem



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