



C.R.P. Nos.1817 and 1819 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM:

THE HON'BLE DR.JUSTICE D.NAGARJUN

**C.R.P.Nos.1817 and 1819 of 2023
and
C.M.P.No.11683 of 2023**

Sundarambal

... Petitioner
in both C.R.Ps

Vs.

1.Kasiviswanathan
2.Veeramanikandan

... Respondents
in both C.R.Ps

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 31.3.2023 passed in I.A.Nos.1 and 2 of 2023 in O.S.No.49 of 2017 on the file of the Principal Subordinate Judge, Salem District.

For Petitioner : Mr.P.Jagadeesan
in both C.R.Ps

COMMON ORDER

Heard Mr.P.Jagadeesan, learned counsel for the petitioner and perused the records.

2. These civil revision petitions are filed challenging orders passed



in I.A.Nos.1 and 2 of 2023 in O.S.No.49 of 2017 on the file of the Principal Subordinate Court, Salem, wherein the request of the petitioner to re-open the case and to re-call P.W.1 for further cross examination, was declined.

3. During the course of submissions, the learned counsel for the petitioner took this Court to the affidavit and its contents, wherein it is mentioned that the petitioner intends to recall P.W.1, so that the hand writing on Ex.B1 can be compared with his writing, which will be taken in the Court. The petitioner has earlier moved an application in I.A.No.879 of 2018 seeking for sending the disputed document to hand writing expert and the same was dismissed. Subsequently, he filed C.R.P.(PD).No.905 of 2022 before this Court and the same also came to be dismissed.

4. The suit is filed by first respondent/plaintiff basing on the promissory note. The petitioner/first defendant, has denied the execution of promissory note. Once the petitioner/first defendant denies the signature in the pro-note, it is for the first respondent/plaintiff to prove the execution of pronote. The petitioner/first defendant intends to prove that the calculation sheet filed by him is in the writing of P.W.1 to show that the petitioner's husband has borrowed some money from the plaintiff's



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wife. Even if such contention is correct the question is whether the petitioner/first defendant has borrowed any money from the first respondent/plaintiff, on execution of pronote. One execution of pronote is denied then petitioner/first defendant contention that her husband has borrowed money from wife of the first respondent/plaintiff is no way relevant.

5. Considering the circumstances, this petition does not deserve any merit and therefore, there is no need to interfere with the impugned order passed by the trial Court. Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

6. The trial Court has to appreciate whether the writing on Ex.B1 belongs to P.W.1 or not, and if so whether it is relevant to prove and decide the issues pending before the Court.

20.06.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ms



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Dr.D. NAGARJUN, J.

ms

To

The Principal Subordinate Judge,
Salem District.

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