



C.R.P.No.3887 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2023

CORAM:

THE HONOURABLE Mrs.JUSTICE T.V.THAMILSELVI

C.R.P.No.3887 of 2023

and

C.M.P.No.23994 of 2023

1.N. Rajendran

2.Saroja

.. Petitioners

Vs

1.Hathija Beevi

2.Stella Pandian

3.Palpandian

4.The Branch Manager,
Central Bank of India,
Kodambakkam Branch,
No.46, Arcot Road,
Kodambakkam,
Chennai – 600 024.

5.Munichandran

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 12.07.2023 in I.A.No.3 of 2023 in O.S.No.4671 of 2020 on the file of the I Additional City Civil Court, Chennai.

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For Petitioners : Mr. G. Vijayakumar

For Respondents : Mr. JP. Karunakaran

ORDER

This Civil Revision Petition has been filed challenging the impugned order passed in I.A.No.3 of 2023 in O.S.No.4671 of 2020 on the file of I Additional City Civil Court, Chennai, the defendants 3 and 4 have preferred this revision.

2. Before the trial Court, the defendants 3 and 4 filed an application to send for the entire bundle in O.S.No.10058 of 1996 on the file of XI Assistant City Civil Court, Chennai. In order to prove their claim before the trial Court, the said application was objected by the plaintiff / 1st respondent, stating that as the suit was filed in the year 2016. Now the case is posted for P.W.1 cross. The defendants not inclined to cross examine P.W.1, on the other hand to drag on the proceedings, they want previous Court records, without mentioning specifically on what purpose they filed application.



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3. On considering both submissions, the trial Court directed to get a certified copies of all the records and accordingly, it was closed.

4. Challenging the said finding, the petitioners have preferred this revision before this Court.

5. Learned counsel for the revision petitioners submitted that in an earlier suit proceedings they are not party to the proceedings. Suppressing all the facts, the plaintiff approached the Court. In order to prove their defence, filed an application. But the trial Judge erroneously directed them to get a certified copies of the documents. As a third party, he could not able to get immediately. Hence, prayed to set aside the finding, by giving opportunity to call for the records from the Court concerned.

6. Learned counsel for the respondent / plaintiff submitted that to drag on the proceedings, filed this application without making any progress in the P.W.1 cross. They sought more than 8 adjournments in cross examining P.W.1 from January 2023 and the trial Judge rightly closed the



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said application.

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7. Considering on both facts, the revision petitioners want to send for the earlier suit proceedings from the Court concerned by mentioning the two suits in O.S.No.10058 of 1996 and O.S.No.99 of 2005. Both the cases are pending before the City Civil Court, Chennai and sending those documents will not cause prejudice to the plaintiff. But to prove defence, those documents are necessary. If opportunity is not given to the petitioners, their right will be defeated.

8. Accordingly, the order dated 12.07.2023 passed by the trial Judge in I.A.No.3 of 2023 in O.S.No.4671 of 202 on the file of the I Additional City Civil Court, Chennai is set aside. All the documents which was mentioned in the application was ordered to be send on payment of charges as per the manner known to law, within a period of two weeks from the date of this order. On such production of the documents, the petitioners / defendants are directed to cooperate for the trial proceedings and the trial Judge is directed to complete the trial within a period of four months from



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the date of this order; because the plaintiff is aged about 73 year old senior citizen. Without giving unnecessary adjournment, the trial Judge is directed to dispose of the case.

9. In the result, this Civil Revision Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

18.10.2023

Index :Yes/No
Neutral Citation :Yes/No
AT

To
The I Additional City Civil Court, Chennai.



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T.V.THAMILSELVI, J.

AT

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