



C.R.P(MD)Nos.1067 and 1068 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2023

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THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)Nos.1067 and 1068 of 2023

and

C.M.P(MD)Nos.5006 and 5008 of 2023

C.R.P(MD)No.1067 of 2023

V.S.Chandrasekar

...Petitioner/Petitioner/
Defendant

Vs.

R.Uma

...Respondent/Respondent/
Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the petition and docket order dated 12.01.2023 made in I.A.No.599 of 2022 in O.S.No.88 of 2018 on the file of the V Additional District Court, Madurai.

For Petitioner : Mr.M.Prabhakaran

C.R.P(MD)No.1068 of 2023

V.S.Chandrasekar

...Petitioner/Petitioner/
Defendant

Vs.



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C.R.P(MD)Nos.1067 and 1068 of 2023

...Respondent/Respondent/
Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the petition and docket order dated 15.02.2023 made in I.A.No.85 of 2023 in O.S.No.88 of 2018 on the file of the V Additional District Court, Madurai.

For Petitioner : Mr.M.Prabhakaran

COMMON ORDER

C.R.P(MD)No.1067 of 2023 has been filed against the docket order dated 12.01.2023 made in I.A.No.599 of 2022 in O.S.No.88 of 2018 on the file of the V Additional District Court, Madurai. I.A.No.599 of 2022 in O.S.No.88 of 2018 was filed by the petitioner to summon the police official.

2. C.R.P(MD)No.1068 of 2023 has been filed against the docket order dated 15.02.2023 made in I.A.No.85 of 2023 in O.S.No.88 of 2018 on the file of the V Additional District Court, Madurai. I.A.No.85 of 2023 in O.S.No.88 of 2018 was filed by the petitioner to stay the proceeding in O.S.No.88 of 2018 pending disposal of C.R.P(MD)No.



C.R.P(MD)Nos.1067 and 1068 of 2023

1067 of 2023 that proposed to be filed against order dated 12.01.2023 in I.A.No.599 of 2022 in O.S.No.88 of 2018.

3. The petitioner is the defendant in O.S.No.88 of 2018 before the V Additional District Court, Madurai filed by the respondent herein. The respondent has filed the above suit to recover the sum of Rs.26,48,666/- on the Principal amount of Rs.20,00,000/- together with interest on the aforesaid amount allegedly borrowed by the petitioner.

4. The specific case of the petitioner is that the respondent has threatened the petitioner and complaint was lodged before the jurisdiction of police station on 05.08.2018 and the parties were directed to workout remedy before the civil Court. It is submitted that after the respondent witness (plaintiff witness) was over, the petitioner tendered evidence.

5. At that stage, the petitioner filed an application in I.A.No.599 of 2022 for summoning the police officials to produce the petition mentioned documents. The said application has been rejected by the Trial Court with the following observations:



"5.Point:

The petitioner counsel stated that on 20.11.2017 the petitioner met the respondent and told her that the petitioner wants to settle the amount of Rs.1000,000/-. The respondent simply refused to accept the amount and demanded Rs.20,00,000/- and an additional amount of Rs. 6,00,000/- On 2.8.2018 the respondent, her husband and some rowdy elements forcefully entered into petitioner house and gave life threat to the petitioner. Hence, the petitioner lodged a complaint before Tallakulam Police Station. Hence the petitioner come forward with this permission to send summon to the police officials to produce the petition mentioned documents are in their custody and give evidence.

6) The respondents counsel stated that the petitioner invited Elango and Advocate Mr.Palanikumaran on whose reference the respondent gave loan to this petitioner for negotiation with his daughter to repay the loan to this petitioner, when they went for negotiation, the petitioner called the police to create false evidence as if the petitioner was threatened. The respondent submit that the alleged police station receipt and the evidence of police officer are not necessary in a suit for recovery of money. Moreover, the alleged receipt could be only with the petitioner. While so, the petitioner has filed this petition only with a malafide intention of dragging on the proceedings indefinitely as he does not have any merits in his defence.

7) The Police complaint copy and receipt copy were not filed along with the written statement. Those documents will be available with the petitioner, if he had given police complaint against the respondent. Without filing complaint copy and receipt copy now the petitioner wanted the Tallakulam Police station to produce such documents are not accepted. The police station complaint copy and receipt are not necessary in a suit recovery of money. Therefore this petition is dismissed.

In the result, this petition is dismissed. No cost."



C.R.P(MD)Nos.1067 and 1068 of 2023

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6. Aggrieved by the same, the petitioner has filed the CRP(MD)No.1067 of 2023. It is submitted that summoning the police officials to produce documents mentioned in the above petition was absolutely necessary for establishing the defence of the petitioner in I.A.No.599 of 2022.

7. In my view, the attempt of the petitioner is nothing but to prolong the longevity of the litigation by filing the application in I.A.No. 599 of 2022. Admittedly, the police complaint was lodged after allegedly receiving threat from the respondent. It has nothing to do with the civil dispute.

8. Although, the reasons given by the Court while dismissing I.A.No.85 of 2023 is not available before this Court, I am of the view that the impugned order does not call for any interference as I.A.No.599 of 2022 was filed by the petitioner was intended to delay the disposal of the money suit in O.S.No.88 of 2018 before the V Additional District Court.



C.R.P(MD)Nos.1067 and 1068 of 2023

9. Therefore, the present Civil Revision Petitions are liable to be dismissed. Accordingly, they stand dismissed. The V Additional District Court, Madurai is however directed to dispose of the suit in O.S.No.88 of 2018 as expeditiously as possible preferably within a period of 9 months from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

20.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1.The V Additional District Court,
Madurai.

2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P(MD)Nos.1067 and 1068 of 2023

C.SARAVANAN,J.

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C.R.P(MD)Nos.1067
and 1068 of 2023

20.04.2023