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C.R.P.No.820 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.820 of 2024

1.K.Chengammal

2.H.Abirami

... Petitioners

Vs.

1.K.Velayudham

2.K.Chandravadhanam

...Respondents

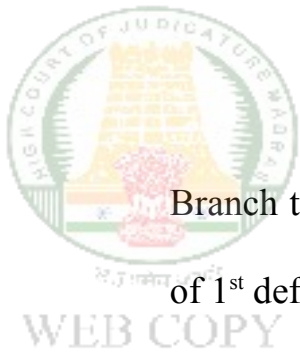
PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the order dated 01.08.2023 made in I.A.No.5 of 2023 in O.S.No.5551 of 2018 on the file of XVIII Additional City Civil Judge, Chennai.

For Petitioner

: Mr.R.Arun Kumar

ORDER

The Civil Revision Petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioner seeking issue of subpoena to direct the Branch Manager, State Bank of Mysore, Koyembedu



Branch to produce the copy of housing loan document related to loan account of 1st defendant.

2. The plaintiffs herein filed a suit seeking partition. The trial in the suit is commenced and the same is in the stage of D.W.1 cross. The petitioner herein filed an application to issue supena to Branch Manager, State Bank of Mysore, Koyembedu Branch for production of housing loan documents pertains to loan account of 1st defendant.

3. It is an admitted fact that suit property has been mortgaged by the 1st defendant in the above mentioned bank and obtained a loan of Rs.5,18,000/- (Rupees five lakhs eighteen thousand only). The said fact was specifically admitted by 1st defendant when he was examined as D.W.1. Therefore, the mortgage debt is admitted by the 1st defendant. The documents relating to housing loan obtained by 1st defendant is not at all necessary to decide the controversies involved in the suit. The plaintiffs have to prove that they are entitled to a share in the suit property. The Trial Court rightly came to the conclusion that loan documents pertains to the loan account of 1st defendant is



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not at all necessary to decide the controversies involved in the suit especially when the mortgage debt was acknowledged and accepted by the 1st defendant.

I do not find any error in the order impugned in this revision. Accordingly, this

Civil Revision Petition stands dismissed. No costs.

08.03.2024

Index : Yes / No

Internet : Yes / No

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To

The learned XVIII Additional City Civil Judge, Chennai



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S.SOUNTHAR, J.

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