



CRP No.942 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRP No.942 of 2024
and CMP.No.4721 of 2024

Prakash

... Petitioner

Vs.

Saravanan

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order passed in I.A.No.4 of 2023 in O.S.No.68 of 2023 dated 07.12.2023 on the file of the learned Additional District Court (Fast Track Court) Villupuram and consequently allow the same.

For Petitioner : Mrs.S.Lakshmi for
Mr.S.Manoharan



CRP No.942 of 2024

ORDER

The civil revision petition is filed to set aside the order passed in I.A.No.4 of 2023 in O.S.No.68 of 2023 dated 07.12.2023 on the file of learned Additional District Court (Fast Track Court) Villupuram.

2. The revision petitioner is the defendant and the respondent is plaintiff in O.S.No.68 of 2020 on the file of Additional District Court (Fast Track Court) Villupuram. The respondent/plaintiff claimed Rs.9 lakhs with interest based on the execution of the promissory note dated 13.03.2019. In the original suit, the defendant filed written statement and denied the promissory note. Under this circumstances, this revision petitioner/defendant filed application in I.A.No.4 of 2023 seeking to call for the documents from the concerned mobile phone companies with regard to call details of mobile phone Nos.944 320 8771 and 877 80 321 93 in order to prove the fabrication of disputed promissory note. The trial Court after considering the submissions, dismissed the petition filed by the revision petitioner/defendant on the ground the call details is not relevant to the dispute that needs to be adjudicated in the suit and upon genuineness of disputed promissory note.

2 of 6



CRP No.942 of 2024

Aggrieved by the said dismissal order dated 07.12.2023, this revision petition is filed.

3. On perusal of records, the facts reveals that the revision petitioner is the defendant in the suit filed by the respondent/plaintiff in O.S.No.68 of 2020 on the file of Additional District Court (Fast Track Court) Villupuram. The said suit is as against the defendant for recovery of money upon the promissory note said to have been executed by the defendant on 13.03.2019.

4. A bare reading of the plaint in O.S.No.68 of 2020 would go to show that the defendant borrowed a sum of Rs.9 lakhs from the plaintiff for the purpose of his family expenses and after receiving the amount, he had executed a promissory note on 13.03.2019 but failed to pay the amount with subsequent interest. In the original suit, the defendant filed written statement and denied the genuineness of the promissory note. In para 3 of the written statement, it is stated that there is a transaction between the plaintiff and the defendant with regard to exchange of gold ornaments and he get



CRP No.942 of 2024

remuneration for the job done to the plaintiff and where the defendant claimed 100 grams as loan from the plaintiff and the plaintiff asked to give paper for the gold claimed and accordingly the defendant has given Rs.20/- blank stamp paper and green sheet with his signature. According to the defendant, the said stamp paper and his signature was fabricated and the plaintiff filed a suit claiming amount in the promissory note and under these circumstances, call details of mobile number 944 320 8771 and 877 80 321 93 is unwarranted to prove the genuineness of the promissory note which is in dispute. The trial Court rightly dismissed the I.A filed by the revision petitioner/defendant and I find and no merits in this revision petition.

5. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

14.03.2024

Index: Yes/No

Internet: Yes/No

4 of 6



CRP No.942 of 2024

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CRP No.942 of 2024

V.SIVAGNANAM, J.

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CRP No.942 of 2024
and CMP.No.4721 of 2024

14.03.2024