



C.R.P. (PD) No.2856 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Civil Revision Petition (PD) No.2856 of 2024

M.Sundaram

.. Petitioner

Versus

Sukumar

.. Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order dated 22.03.2024 passed in I.A.No.1 of 2023 in O.S.No.340 of 2012 on the file of the Additional Sub-Court, Tiruvannamalai.

For the Petitioner : Ms.V.Kalaivani

ORDER

This Civil Revision Petition arises against the order passed by the learned Subordinate Judge, Tiruvannamalai in I.A.No.1 of 2023 in O.S.No.340 of 2012 dated 22.03.2024.



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2. O.S.No.340 of 2012 is a suit for recovery of money of Rs.6,01,000/-. The suit is being presented on the foot of the promissory note.

3. The defendant was served and he has filed a detailed written statement. Thereafter, the parties went for trial. After conclusion of the evidence, an application was taken out in I.A.No.1 of 2023 seeking to re-open the evidence of the defendant for the purpose of summoning records from a bank, in which the defendant is alleged, to have been working.

4. The case of the petitioner is that on the date on which the promissory note was executed, he was working at H.H.496 Primary Agricultural Co-operative Monetary Union, Isukazhi Katteri Village. A detailed counter was filed by the defendant. The learned Judge dismissed the application, by way of an order dated 22.03.2024, against which, the present Civil Revision Petition.

5. Heard Ms.Kalaivani, representing Mr.B.Deva Kumar, for the Civil Revision Petitioner.



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6. Ms.Kalaivani would submit that the defendant was not present, as alleged by the plaintiff, in order to execute the promissory note. She would state that at that time he was present in the Bank and he had signed in the duty register. She would submit that if one opportunity is given, the duty register can be summoned to the Court and marked as evidence on her side. She would state that this fact came to the knowledge of the counsel, only in the year 2023 and hence, there is a delay in filing the application.

7. I have carefully considered the submission of Ms.Kalaivani.

8. In order to let in any evidence, there must be a plea taken to that effect. It is too well settled, yet, I would have to reiterate that no amount of evidence can be let in, unless and until there is a plea to that effect. Careful perusal of the written statement would show that no such plea has been taken. Being a suit for recovery of money, it has suddenly struck the defendant that he was at that time in the bank and he was not present before the plaintiff to



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execute the promissory note. The learned Judge has given cogent reasons for dismissing the application on 22.03.2024. I agree with the same.

9. Therefore, I do not find any reason to interfere in the order dated 22.03.2024 passed in I.A.No.1 of 2023 in O.S.No.340 of 2012 and hence, this Civil Revision Petition stands dismissed. No costs.

27.08.2024

Index : Yes / No
Internet: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
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To
The Subordinate Judge
Additional Sub-Court, Tiruvannamalai.



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V.LAKSHMINARAYANAN, J.,

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