



C.R.P.No.2631 of 2024 and etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2024

C O R A M:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.Nos. 2631, 2632, 2636, 2637 and 2709 of 2024
and C.M.P.Nos.13823, 13828, 13839, 13842, 14311 of 2023

Senthilkumar

... Petitioner in all CRPs

Vs.

Palanivel

... Respondent in CRP.No.2631 of 2024

Ilayaraja

... Respondent in CRP.No.2632 of 2024

Celladurai

... Respondent in CRP.No.2636 of 2024

Ramesh

... Respondent in CRP.No.2637 of 2024

Senthilkumar

... Respondent in CRP.No.2709 of 2024

COMMON PRAYER : Civil Revision Petitions filed under Article 227 of the Constitution of India praying to set aside the order dated 21.02.2024 made in I.A.No.527 of 2023 in O.S.No.250 of 2022, I.A.No.524 of 2023 in O.S.No.251 of 2022, I.A.No.530 of 2023 in O.S.No.252 of 2022 respectively file of the Additional District Court, Kallakurichi. and I.A.No.520 of 2023 in O.S.No.92 of 2021, I.A.No.521 of 2023 in O.S.No.112 of 2021 respectively on the file of the III Additional District Court, Kallakurichi.

For Petitioner in all CRPs : Mr.V.Sivaraman



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COMMON ORDER

These civil revision petitions present an unique proposition of law perhaps never seen by this Court.

2. The Suits have been filed for recovery of money as against the civil revision petitioner in all the revisions. The suits are filed by different plaintiffs. According to the civil revision petitioner, the plaintiffs had threatened the petitioner to pay the money and had extracted a promissory note. Therefore, he lodged a complaint before the Inspector of Police, Chinnasalem Police Station on 26.09.2021. The Inspector of Police had also given CSR and subsequently, it was converted into FIR in Crime No.355 of 2022 on 03.10.2022. The plaintiffs have been arrayed as accused in the criminal proceedings. Since the criminal proceedings are pending, according to the Civil Revision Petitioner, the suits have to be stayed. Hence, he filed applications under Section 10 of the Civil Procedure Code. The learned Trial Judge dismissed all the petitions by way of an order dated 21.02.2024. Hence, these revisions.



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3. Heard Mr.V.Sivaraman, learned counsel appearing for the petitioner and he relied upon the classic judgment of the Supreme Court in the case of ***M.S.Sherif vs. State of Madras (1954) 1 SCC 524*** and submitted that the civil proceedings will have to be kept in abeyance till the criminal proceedings are over. According to him, the criminal proceedings will get over before civil proceedings, as observed by the Supreme Court and therefore, precedence have to be given to the criminal proceedings.

4. Unfortunately for Mr.Sivaraman, Section 10 of the Civil Procedure Code (in short 'CPC') stipulates that no Court shall proceed with the trial of any suit in which the matter in issue is also directly and substantially in issue in a previously instituted suit between the same parties. Criminal complaint by no stretch of imagination shall be treated as a plaint. Even if the Police complaint is accepted and a positive final report and charge sheet are laid, the charge sheet will not become a plaint for the purpose of Section 10 of CPC. These provisions of Section 10 not being satisfied, I am afraid that I am not in a position to come to the rescue of the civil revision petitioner despite the tantalizing argument raised by Mr.Sivaraman.



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5. Accordingly, the Civil Revision Petitions are dismissed. No costs.

Consequently connected miscellaneous petitions are closed. It is open to the defendant to let in such evidence as available with him including the report of examination of Forensic Expert to substantiate his case.

19.07.2024

msv

Index: Yes/No

Internet: Yes/No

Speaking order: Non-speaking order

Neutral Citation: Yes/No

To

1. The Additional District Judge,

Additional District Court, Kallakurichi

2. The III Additional District Judge,

Additional District Court, Kallakurichi.



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V.LAKSHMINARAYANAN,J.

Msv

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2637 and 2709 of 2024
and C.M.P.Nos.13823, 13828, 13839,
13842, 14311 of 2023

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