



C.R.P. (PD) No.4252 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Civil Revision Petition (PD) No.4252 of 2024
and C.M.P.No.23644 of 2024

1. Sunitha
Rep.by her Power of Attorney
B.Geetha

(Cause title accepted vide order
of this Court dated 03.10.2024 in
C.M.P.No.22332 of 2024)
(Mrs.B.Geetha, recognised as
Power Agent to sole petitioner,
vide order of this Court dated 14.10.2024
in C.M.P.No.22339 of 2024)

2.Padmavathy .. Petitioners/2nd & 3rd Defendants

Versus

1.Vijayakumar .. Respondent/Plaintiff
2.Elumalai .. Respondent/1st Defendant
3.The Saidapet Co-operative Primary Agriculture
and Rural Development Bank Ltd.,
No.52, K.K.Road, 1st Floor
Venkatapuram, Ambattur, Chennai – 600 050. .. Respondent/4th Defendant



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Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to strike out the plaint in O.S.No.615 of 2023 pending on the file of the Additional District Judge – III, Poonamallee.

For the Petitioners : Mr.G.Mohammed Aseef

ORDER

This Civil Revision Petition seeks to strike of the suit in O.S.No.615 of 2023 on the file of the III Additional District Judge, Poonamallee as an abuse of process of law.

2. The plaintiff had stood as a guarantor for the debts, that had been incurred by one Subramaniya Raju and Parvathy, the father and mother of the Civil Revision Petitioners. The guarantee had been given to the Saidapet Co-operative Primary Agriculture and Rural Development Bank Ltd. On account of the default committed by the principal debtors, the plaintiff, who was the guarantor, had discharged the liabilities. He did so on 22.12.2021 and 29.12.2021. As the dues were settled, on 10.01.2022, the Saidapet Co-operative Primary Agriculture and Rural Development Bank Ltd., also issued a loan settlement certificate. Since, the Civil Revision Petitioners had succeeded



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to the estate of their parents, the plaintiff presented a suit for recovery of the amounts that he settled with the bank. The defendants 2 and 3 have moved this revision as an abuse of process of law on basis of the fact that, the criminal proceedings that had been initiated against their parents, resulted in their acquittal.

3. Heard, Mr.G.Mohammed Aseef, for the Civil Revision Petitioners.

4. A judgment of the Civil Court is not binding on the Criminal Court and vice versa except to the extent mentioned under Section 43 of the Indian Evidence Act. The position of law has been laid down by the Supreme Court in ***Syed Askari Hadi Ali Augustine Imam and Another Vs. State (Delhi Administration) and Another*** ((2009) 5 SCC 528 (Para 25)). I fail to appreciate how an acquittal in a criminal proceedings will assist the Civil Revision Petitioners to seek for striking of the civil proceedings. Furthermore, the defendants have succeeded to the properties left behind by Subramaniya Raju and Parvathy. If that be the situation, as the successor in interest to the estate, they are responsible to discharge the amount to the extent the principal



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debtors' property come into their hands.

5. The plaintiff is merely enforcing his right of abrogation, and I do not think that this is a case for striking of the proceedings.

6. In view of the above reasoning, this Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

23.10.2024

Index : Yes / No
Internet: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
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To
The Additional District Judge – III, Poonamallee.



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V.LAKSHMINARAYANAN, J.,

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