



C.R.P(MD).No.560 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.02.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGOVAN

C.R.P(MD).No.560 of 2024 and
CMP(MD).No.2752 of 2024

1.Kumar Rao
2.Usha Bai

.. Petitioners

Vs.

Rajeshwari

... Respondent

PRAYER:- Petition filed under Article 227 of the Constitution of India to call for the records and set aside the fair and decreetal order, dated 02.12.2023 in I.A.No.546 of 2023 in O.S.No.441 of 2019 on the file of the Principal Subordinate Court, Kumbakonam.

For Petitioners : Mr.A.V.Ramanathan

ORDER

This Civil Revision Petition is filed against the the fair and decreetal order, dated 02.12.2023 made in I.A.No.546 of 2023 in O.S.No. 441 of 2019 on the file of the Principal Subordinate Court, Kumbakonam.



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2. Heard the learned counsel appearing for the petitioners.

Since no adverse order is passed against the respondents, notice to the respondents is not necessary.

3. The suit in O.S.No.441 of 2019 was filed by the plaintiff, who is the respondent herein stating that the defendants borrowed a sum of Rs.5,00,000/- on 25.12.2016 for his family expenses on execution of the promissory note. But, he failed to honor the above said promissory note in spite of demands. So, he filed a suit. The revision petitioners / defendants entered appearance and filed a statement stating that there was no transaction between them as mentioned in the plaint. There was some other transaction between them in the year 2013-2016 for a sum of Rs.1,80,000/- that was also repaid by them by way of installments. The document was given to the plaintiff as a security for the repayment of loan. Now, the trial started, the petition was taken out by the defendants in I.A.No.546 of 2023 seeking direction from the trial Court to summon the Zonal Manager, Reserve Bank of India and Income Tax Officer to give evidence in respect of the transaction by the plaintiff on the alleged dated, 25.12.2016. In the said petition it is stated that during the demonetization period the alleged consideration would not have



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occurred and hence, he wanted to examine the Branch Manager South zone, Reserve Bank of India and Income Tax Official. That came to be dismissed by the trial Court. Against which, the present revision is preferred.

4. This Court has completely at loss to understand the grounds made by the petitioners. The demonetization may be proved by way of producing the notification, the trial Court may take judicial notice, for which no officials need be examined. The petitioners are directed to produce the above said notification and the trial Court may admit it.

5. With the above said liberty, this Civil Revision petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

29.02.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp

To



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The Principal Subordinate Court, Kumbakonam.

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G.ILANGOVA, J.

Trp

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