



C.R.P.(MD)Nos.522 and 523 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)Nos.522 and 523 of 2024
and C.M.P.(MD).No.2601 of 2024

A.Raja

... Petitioner/Petitioner/
Defendant in both petitions

Vs.

Virudhunagar, Thirumangalam,
Palayampatti, Kovilankulam,
Periakarisalkulam Sriman
Narayana Madam Panikkar
Community Properties Paripalana Trust,
Lakshmi Complex,
Pullakkottai Road,
Virudhunagar Town through
its Trustee P.Jeyapandian

... Respondent/Respondent/
Plaintiff in both petitions

COMMON PRAYER : Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the fair order and decretal order of the learned District Munsif, Virudhunagar, passed in I.A.Nos.4 and 5 of 2023 in O.S.No.138 of 2020, dated 29.11.2023 and allow the same.



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For Petitioner : Mr.S.Parthasarathy
(in Both petitions)

COMMON ORDER

These revision petitions are filed to set aside the fair order and decretal order of the learned District Munsif, Virudhunagar, passed in I.A.No.4 of 2023 in O.S.No.138 of 2020, on her file dated 29.11.2023 and allow the same.

2.The petitioner filed petitions seeking a direction from the trial Court to summon the Bank Official, namely the Manager, Karur Vaisiya Bank, Virudhunagar, to show that proper remittance was made by the him to the Account of the respondent towards arrears of rent amount. When the challans were produced before the trial Court, that was not admitted by the respondent. On that ground, he filed a petition under Order 8 Rule 12 of C.P.C to direct the respondent to produce the Bank Pass Book details maintained by him. That came to be dismissed by the trial Court stating that no such direction can be issued to the respondent to produce the document. Against which, no revision was preferred by the petitioner.



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3.Later only the present petitions were filed by the petitioner. That were also dismissed by the trial Court stating that the petitioner has to prove his own case by producing the documents, which are available with him since no direction can be issued.

4.Since challan produced by the revision petitioner is denied by the respondent, no other alternative remedy is available to the petitioner except to summon the Bank Official and produce the relevant Statement of Accounts. No prejudice will be caused to the respondent in passing such order, since he got every liberty to cross examine the witness.

5.With the above said observation, these civil revision petitions are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

1.The District Munsif, Virudhunagar.

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2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.

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G.ILANGO VAN,J.

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