



CRP(MD).No.2784 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.11.2024

CORAM

THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

C.R.P(MD)No.2784 of 2024 and
CMP(MD).No.15693 of 2024

S.Gopalakrishnan

: Revision Petitioner /
defendant

Vs.

R.Vijayaragavan

: Respondent /
plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the dismissal order passed by the learned Additional District Judge, Virudhunagar at Aruppukkottai in I.A.No.9 of 2024 in O.S.No.11 of 2022, dated 25.09.2024.

For Petitioner

:Mr.S.Rengasamy

ORDER

This Civil Revision Petition has been filed against the fair and decretal order, dated 25.09.2024 made in I.A.No.9 of 2024 in O.S.No.12



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of 2024 on the file of the Additional District Court, Virudhunagar at Aruppukkottai.

2. The revision petitioner herein is the defendant in the said suit in O.S.No.11 of 2022 on the file of the Additional District Court, Virudhunagar at Aruppukkottai. The respondent herein as plaintiff filed the above said suit for recovery of money on the basis of the promissory note. After completion of the recording of evidence, the revision petitioner / defendant has filed the present application in I.A.No.9 of 2024 for production of certain documents. After hearing the arguments of the respondent / plaintiff, the said application was dismissed by the trial Court. Aggrieved by the same, the present revision is preferred.

3. Heard and peruse the materials available on record.

4. The learned counsel appearing for the revision petitioner submits that the trial Court without considering the defence taken by the revision petitioner / defendant dismissed the said application. He would further submit that the said Application has been filed by the revision petitioner / defendant for issuing a direction to the respondent / plaintiff to produce



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the income tax return for the assessment year 2011 - 2022. However, the trial Court without considering the same dismissed the said application without any valid grounds. In support of his contention he has also relied on the Judgment of this Court, dated 21.07.2022 made in A.S.No.285 of 2015. However, in the said case, in the written statement, the defendant has categorically denied the execution of promissory note and that the defendant has never borrowed any money from the respondent / plaintiff. But, the facts of the present case is different. Moreover, in the present case after completion of evidence on the side of the revision petitioner / plaintiff and the case was posted for arguments, now, the present application has been filed by the revision petitioner / defendant.

5. Apart from that, the revision petitioner / defendant has already taken out the applications in I.A.Nos. 3 to 5 of 2023 for reopening the evidence of PW.1, to recall the evidence of PW.1 and to send the documents for handwriting expert's opinion. The said applications were dismissed on 01.02.2024. Thereafter, the revision petitioner has come out with the present application in I.A.No.9 of 2024 along with application in I.A.Nos.6 and 7 of 2024. Though all the three applications were dismissed, the present revision is filed only against the order passed in



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I.A.No.9 of 2024, which was filed for issuing a direction to the respondent / plaintiff to produce the income tax return for the assessment year 2011-2022. During the entire trial, the revision petitioner / defendant never preferred any application for production of the above document. At this belated stage, i.e., at the stage of arguments, the revision petitioner has come forward with the said application. Considering the above said facts, the learned trial Judge has dismissed the said application filed by the revision petitioner.

6. On perusal of the records it is seen that the attempt of the revision petitioner / defendant is only to drag on the proceedings. Hence, I do not find any perversity or infirmity in the order passed by the trial Court. Accordingly, this Civil revision Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes/ No
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To

The Additional District Judge, Virudhunagar at Aruppukkottai



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K. GOVINDARAJAN THILAKAVADI, J.,

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