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C.R.P.(MD)No.3116 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.3116 of 2023 and
C.M.P.(MD)No.16062 of 2023

K.Jahir Ussain

... Petitioner/Petitioner/
Defendant

Vs.

P.Perumal

... Respondent/Respondent/
Plaintiff

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order in I.A.No.141 of 2023 in O.S.No.140 of 2020 dated 19.09.2023 passed by the Additional II Sub Judge, Madurai.

For Petitioners : Mr.SMA.Jinnah

For Respondents : K.Sathish Kumar

**ORDER**

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Heard both sides.

2. The defendant in O.S.No.140 of 2020 on the file of the II Additional Sub Court, Madurai is the revision petitioner herein. The said suit was filed for recovering a sum of Rs.1,36,500/- from the petitioner herein. The suit was instituted on the basis of cheque No.976233 drawn in Usilampatti Branch, Canara Bank dated 16.12.2019. The plaintiff examined himself as P.W.1. In the plaint, it was mentioned that the petitioner borrowed a sum of Rs.1 Lakh from him at his residence on 25.01.2018 in the presence of Rajendran at Thirunagar.

3. The defendant in his written statement claimed that he had financial transaction with one Markandeyan of Thirupathy Finance. It was further averred by the defendant in the written statement that he had given complaint before the Commissioner of Police about misuse of his cheques by the said Markandeyan and that it was forwarded to Sellur police station for conducting enquiry. After the defendant had been examined, the defendant filed I.A.No.141 of 2023 for marking the following documents:-



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a) The complaint submitted to the Commissioner of Police, Madurai and the information obtained under the RTI Act.

b) The certified copy of the certificate of registration of Thirupathy Finance indicating that one Rajendran was a partner of Thirupathi Finance.

c) Aadhar Card.

4. In the written statement, the defendant had specifically taken a stand that Markandeyan is running Thirupathy Finance and that the petitioner did not have anything to do with the plaintiff Perumal. In the plaint, it had been stated that the transaction took place in the presence of Rajendran of Thirunagar. He was examined as P.W.2.

5. Therefore, the second document namely, the certificate of registration of Thirupathy Finance appears to be a relevant document. However, the petitioner has not enclosed any information obtained under the RTI Act. What has been enclosed is a mere copy of the complaint said to have given to the Commissioner of Police. A copy of the postal receipt or the acknowledgement issued by the police have not been enclosed.



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Though in the written statement there is reference to this complaint, for want of authentication, I am unable to extend relief. Hence, only a limited interference is warranted.

6. The impugned order is modified. The petitioner is permitted to mark a copy of the certificate of registration of Thirupathy Finance. If necessary, the petitioner can also recall P.W.2 Rajendran for further cross-examination. This civil revision petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

12.08.2024

Index : yes/No
Internet: Yes/No
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C.R.P.(MD)No.3116 of 2023

G.R.SWAMINATHAN,J.

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To

1. The Additional II Sub Judge,
Madurai.
2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

C.R.P.(MD)No.3116 of 2023

12.08.2024