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C.R.P.(PD).No. 945 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.03.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD).No. 945 of 2025

&

C.M.P.No. 5461 of 2025

S.M.B.Sathik

...Petitioner

Vs.

P.Mohammed Ashraf Buhari

...Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order in IA.No.6 of 2024 in OS.No.7179 of 2022 dated 01.02.2025 on the file of the XIX Assistant City Civil Court, Chennai.

For Petitioner : Mr. AR.Balaji



C.R.P.(PD).No. 945 of 2022

ORDER

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The plaintiff has filed the Civil Revision Petition challenging the dismissal of his application seeking direction to the defendant to produce the bank statements for the period from 18.12.2012 to 17.12.2019 relating to the transaction pleaded in paragraph No.18 of the written statement. The facts which have given rise to the above Civil Revision Petition are as follows.

2. The plaintiff had filed a suit for permanent injunction restraining the defendants their men or any one claiming under them from in any way harassing / coercing the plaintiff's peaceful running of the business / living in the suit schedule property under the guise of collecting money except by following due process of law.

3. The plaintiff would contend that he had borrowed a sum of Rs.86,74,700/- from the defendant and has repaid a sum of Rs.1,16,48,000/-. Despite which the defendant was harassing the



petitioner. Therefore, the petitioner has come forward with the suit.

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4. The defendant filed a written statement stating that the total borrowed amount was a sum of Rs.2,25,99,700/-. The petitioner has borrowed the said amount stating that they would invest the same in the real estate business. However, he has not received any dividend for the same. The plaintiff has also given assurance both orally as well as in writing to repay the same and the assurance has been observed in the breach. Thereafter, the plaintiff has come forward with the petition in question seeking direction to the defendant to produce the transaction details which has been set out in paragraph No.18 of the written statement which relates to the various payment.

5. The said application has been dismissed by the learned Trial Judge on the ground that the plaintiff has to prove his case depending on his own documents and evidence and he should not depend upon the defendant to prove or disprove his case.



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C.R.P.(PD).No. 945 of 2022

6. Heard the learned counsel and perused the records.

7. A perusal of the records would clearly indicate that originally the petitioner has filed the suit for the following relief:

“(a)Declaration, declaring that the alleged Debt Deeds 3 Nos dated 24.10.2021 executed by the plaintiff in and favour of the defendant is null and void and does not bind on the plaintiff.

(b)Mandatory injunction directing the defendant to return the alleged Debt Deeds 3 Nos dated 24.10.2021 executed by plaintiff in and favour of the defendant to the plaintiff.

(c)For permanent injunction restraining the defendant, their men, or any one acting on their behalf from in any way harassing / coercing the plaintiff peaceful running of the business/ living in the schedule property under the guise of collecting money from the plaintiff except following the due process of law.



C.R.P.(PD).No. 945 of 2023

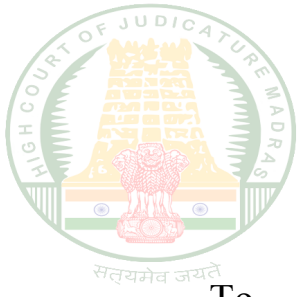
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8. However, he has for the reasons best known to him deleted prayers (a) and (b). The suit as it stand now is only for an injunction. The borrowal and repayment of the dues is something that the plaintiff has to prove by his own documents and evidence and he should not call upon the defendant to produce the document.

9. The learned Trial Judge, has rightly dismissed the application. I see no reason to interfere with the same. The Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

07.03.2025

Index : Yes/No
Internet : Yes/No
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C.R.P.(PD).No. 945 of 2023

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The XIX Assistant City Civil Court,
Chennai.



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C.R.P.(PD).No. 945 of 2025

P.T. ASHA, J,

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C.R.P.(PD).No. 945 of 2025

07.03.2025