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CRP.No.1616 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2025

**CORAM
THE HONOURABLE MR. JUSTICE P.B.BALAJI**

CRP.No.1616 of 2025

and

CMP.No.9341 of 2025

B.R.Bheema Rao

... Petitioner

Vs.

1.D.Soundararaj

2.Gautami Selvi

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order passed by the learned XVI Additional City Civil Judge, at Chennai in I.A.No.3 of 2025 in O.S.No.5509 of 2024 dated 05.03.2025.

For Petitioner : Mr.M.Shankarnath

For Respondents : Mr.J.P.Ravivarman



ORDER

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The civil revision petition has been filed challenging the order passed by the learned XVI Additional City Civil Judge, Chennai in I.A.No.3 of 2025 in O.S.No.5509 of 2024 dated 05.03.2025.

2. The revision petitioner is the defendant in the suit, aggrieved by the order passed by the trial Court in O.S.No.5509 of 2024. In a suit for recovery of money, the respondents / plaintiffs filed an application to receive additional documents. The documents sought to be produced were objected by the revision petitioner on the ground that the petitioner did not produce the same at an earlier point of time, despite admittedly having the documents in his custody. However, the trial Court has proceeded to allow the application. Challenging the said order, the defendant is before this Court.

3. Heard the learned Counsel for the parties.



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4. The contention of the learned Counsel for the petitioner / defendant is that the documents which are now sought to be produced by the respondents / plaintiffs have not been referred to in the plaint and have also not been marked as Exhibits, during the examination of the plaintiffs as witnesses before the trial Court. Learned Counsel would further state that the application has been belatedly filed, after cross examination of P.W.1.

5. Learned Counsel for the respondents / plaintiffs would state that the defendant had admitted the borrowing in the written statement and there was no necessity to exhibit financial capacity of the plaintiff. However, I find that only during the course of cross examination, the plaintiff states that he was confronted with a question that he was not possessing necessary funds to lend money to the defendant. Thus, the plaintiffs were necessitated to take out the application to establish their financial capacity.

6. The trial Court has rightly held that liberty should be granted to the plaintiffs to establish financial capacity as to lend money to the petitioner / defendant. I see no illegality in the said reasoning of the trial Court in I.A.No.23 of 2025 in O.S.No.5509 of 2024 and consequently, the Civil



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Revision Petition stands dismissed. Considering the fact that the suit is of the year 2024, the trial Court is directed to expedite trial and dispose of the same by 31.12.2025. No costs. Consequently, connected miscellaneous petition is closed.

18.06.2025

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To
XVI Additional City Civil Judge at Chennai.



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P.B.BALAJI, J.

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