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C.R.P.Nos. 2024 & 2094 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.02.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.Nos. 2024 & 2094 of 2020
&
C.M.P. Nos. 12716 & 13220 of 2020

G.Arumugam

...Petitioner in both petitions

Vs.

Rajathi Ammal

...Respondent in both petitions

Prayer: Civil Revision Petitions are filed under Article 227 of the Constitution of India, against the order passed in IA.Nos.226 & 228 of 2020 in OS.No.165 of 2014 dated 02.09.2020 on the file of the Principal Sub Judge, Puducherry.

For Petitioner : Mr. R.Suresh Kumar

For Respondents : No Appearance.

COMMON ORDER



C.R.P.Nos. 2024 & 2094 of 2020

The defendant is the petitioner before this Court.

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2. CRP.No.2024 of 2020 is filed challenging the order passed in I.A.No.226 of 2020 in O.S.No.165 of 2014 on the file of the Principal Subordinate Judge, Puducherry. CRP.No.2094 of 2020 is filed challenging the order passed in I.A.No.228 of 2020 in the very same suit.

3. I.A.No.226 of 2020 was filed to re-open the plaintiff's side evidence and I.A.No.228 of 2020 is filed to recall the P.W.1.

4. A common order has been passed in the above applications and this Court is also proceeding to pass a common order in these civil revision petitions. The facts are briefly set out herein below.

5. The plaintiff who is the respondent herein had filed a suit in O.S.No.165 of 2014 on the file of the Principal Subordinate Judge, Puducherry, for recovery of a sum of Rs.2,72,138/- with subsequent



interest of 24% per annum on the principal amount of Rs.2,60,000/-,
due under the cheque dated 19.07.2014, from the date of the suit till the
date of realisation.

6. The plaintiff's case is that the defendant / petitioner herein had borrowed a sum of Rs.2,60,000/- on 12.07.2014, for which he has also executed a promissory note. The defendant promised to repay the same within a period of week. However, this assurance was observed in the breach. The cheque presented was dishonored with the endorsement funds insufficient. Despite informing the petitioner about the dishonouring of the cheque, the petitioner had not taken steps to repay the amount. Thereby constraining the plaintiff / respondent to file the suit in question.

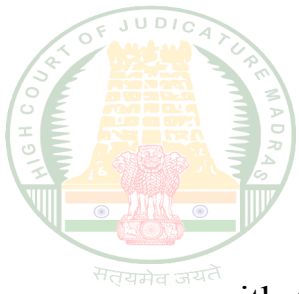
7. A written statement was filed by the petitioner herein stating that the suit was not maintainable both on facts as well as law and has been filed with a malafide intention of harassing the petitioner. The petitioner's case is that he never required money in the month of July



2014 as alleged. He would submit that he had borrowed money from one Kirupa @ Bhavani on 24.08.2011 for agricultural purpose and as a security for this transaction he has signed several blank papers as well stamp papers, cheques and pro note in favour of the said Bhavani.

8. It appears that one of the cheques have been misused to create the suit pro note. He therefore sought for the dismissal of the suit.

9. The defendant / petitioner had initially filed an application in I.A.No.353 of 2018 to direct the respondent or her power of attorney to produce certain documents that had been set out in the petition filed in support of the said petition. This application was partly allowed by the learned Principal Sub Judge, Puducherry, in that the respondent was directed to produce the pass book showing the statement of accounts in respect of the Bharathiyar Grama Bank, Puducherry. With reference to the other documents it was rejected. This order was not challenged by the defendant / petitioner in so far as the disallowed portion.



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10. After this order was passed, the petitioner had come forward with the two interlocutory applications in I.A.Nos.226 & 228 of 2020 to reopen the plaintiff's side evidence and to recall P.W.1.

11. In the petition seeking to reopen the evidence, the petitioner would simply contend that certain documents have been left unmarked after the same were produced on summons and questions have been omitted to be asked. Therefore, they sought for reopening and recalling the evidence of P.W.1. These petitions were dismissed by the Principal Sub Judge, Puducherry, by his order dated 02.09.2020.

12. Challenging the same, the revision petitioner is before this Court. The respondent though served has not entered appearance either in person or through counsel.

13. Heard the learned counsel and perused the records.

14. In the affidavit filed in support of the petition for recalling



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and reopening there is no clarity with reference to the documents that the petitioner seeks to mark for which purpose he seeks to recall and reopen the evidence of P.W.1. That apart, there is no reference to the earlier order in I.A.No.665 of 2016 and IA.No.866 of 2014 in these petitions. The learned counsel appearing for the petitioner has also not been able to file proper reasons for recalling and reopening evidence of PW1.

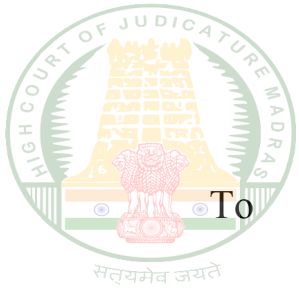
15. The learned Principal Sub Judge, Puducherry, has considered the issue in great detail and dismissed the petitions. I see no reason to interfere with the same. The Civil Revision Petitions are dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

17.02.2025

Index : Yes/No

Internet : Yes/No

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To
The Principal Sub Judge,
Puducherry.



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P.T. ASHA, J,

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