



CMP No. 19079 of 202



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-11-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CMP No. 19079 of 2025

IN

AS NO. 62 OF 2023

Mrs.Shoba Rekha

...Petitioner

Vs

1. Vidyakumari
2. Dharani
3. Ramesh Kumar
4. M.Rajkumar

...Respondents

For Appellant(s): Mr.M.Kamalakannan

For Respondents 1, 3 Mr.C.Prabakaran
and 4:

ORDER

The present Civil Miscellaneous Petition has been filed to issue a supeona to the Branch Manager, Indian Bank, Saidapet Beach for issuing the statement of accounts with reference to the savings bank account maintained by the 1st respondent, namely Vidyakumari.



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2. Heard Mr.M.Kamalakaran, learned counsel for the petitioner and Mr.C.Prabakaran, learned counsel for respondents 1, 3 and 4.

3. The learned counsel for the petitioner would submit that in the cross examination also, D.W1 was confronted with the very same bank account and though the 1st respondent admitted to the existence of the bank account, she conveniently deposed that she did not remember the account number and the transactions. The learned counsel would further submit that in the light of the evidence of D.W1, the trial Court ought not to have held that the petitioner /plaintiff had not proved her case with regard to the 1st respondent/1st defendant having no source of income at the relevant point of time.

4. Mr.C.Prabakaran, learned counsel for respondents 1, 3 and 4 would however submit that initially, the petitioner filed a Memo calling upon the 1st respondent to furnish the bank particulars. The bank account was furnished. However, citing that the transactions were not furnished, the petitioner has filed an application in October 2019. According to the learned counsel for the respondents, the said application was not pressed for reasons best known to the petitioner. Therefore, he would submit that it is not open to the petitioner, after having lost before the trial Court, to renew the application pending the appeal.



5. I have carefully considered the submissions made by the learned counsel on either side.

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6. As rightly contended by the learned counsel for respondents 1, 3 and 4, this Court finds that the very same request was made pending trial, the application though not numbered, was not pursued or prosecuted by the petitioner. Even in the affidavit filed in support of the present petition, the petitioner does not disclose the fact that an attempt was made before the trial Court and on what grounds the same was not pursued.

7. In the light of the above, having missed the bus, it is not open to the petitioner to now renew the application at the appellate stage. I do not find any merit in the application. Accordingly, this Civil Miscellaneous Petition is dismissed.

8. Post the appeal “for argument” on 20.11.2025.

13-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
The District District and Sessions
Judge,
District and Sessions Court No.II,
Kancheepuram



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P.B.BALAJI J.

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