



CRP(MD). No.759 and 919 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 05/06/2025

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). Nos.759 and 919 of 2020
and CMP(MD) No.5074 and 6014 of 2020**

P.Ramanathan

... Petitioner/defendant
in both petitions

Vs

A.Al Asmi

... Respondent/
plaintiff in
both petitions

PRAYER :-Civil Revision Petition is filed under Article 227 of Civil Procedure against the fair and decreetal order dated 05.06.2020 in IA Nos.101 and 104 of 2020 in OS Nos.74 and 75/2018 on the file of the Sub Court, Paramakudi.

For Petitioner : Mr.D.Senthil
For Respondent : Mr.K.R.Laxman

ORDER

The civil revision petition is filed against the fair and decreetal order dated 05.06.2020 in IA Nos.101 and 104 of 2020 in OS Nos.74 and 75/2018 on the file of the Sub Court, Paramakudi.



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2. The petitioner is the defendant in OS Nos.74 and 75/2018. The suits were filed for recovery of money. The petitioner and the respondent being partners involved in real estate business and it is alleged that the respondent parted huge amount to the petitioner and that in order to prove the case against the plaintiff, the petitioner defendant filed Interlocutory Applications to examine the plaintiff and mark documents on the same day. However, the said petitions were dismissed. Hence, challenging the same, the petitioner is before this Court with this petition.

3. The learned counsel for the petitioner would submit that the suit is filed for recovery of money and the petitioner denied the borrowal of money and the alleged documents produced by the plaintiff were forged one and the signature found does not belong to the petitioner herein. In order to prove the case of the petitioner/defendant, the petitioner filed the said interlocutory applications pending suits to examine the plaintiff and the documents on the same day. However, the said applications were dismissed. In order to prove the case only, such prayer has been sought for and hence, prays for interference.



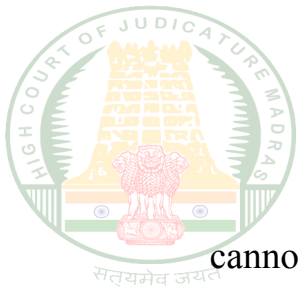
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4. Heard the learned counsel for the respondent, who would submit that the petitioner and the respondent were partners and the respondent parted amount to the petitioner and the burden of proving the case lies on the plaintiff. When the respondent/plaintiff has already taken steps to send the alleged documents for expert opinion, in order to drag on the proceedings, the said interlocutory applications were filed and rightly, the trial Court had dismissed those petitions and hence, no interference is warranted to the order of the trial Court and hence, the learned counsel prays for interference.

5. I have considered the rival submissions and perused the materials available on record.

6. Admittedly, the suit is filed for recovery of money against the petitioner/defendant. It is for the petitioner/defendant to establish the case before the trial Court in the manner known to law. However, the petitioner cannot file an application before the trial Court or compel the plaintiff to examine all the witnesses on the same day. Such prayer



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cannot be maintained and hence, the said applications were rightly rejected by the trial Court and the same need not be interfered with.

7. In fine, the civil revision petitions are dismissed. No costs.

Consequently connected Miscellaneous Petitions are closed.

05.06.2025

NCC : Yes/No

Index : Yes/No

RR

TO

1.The Sub Court, Paramakudi

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

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**ORDER
IN
CRP(MD) Nos.759 and 919 of 2020**

Date : 05/06/2025