



W.P(MD)No.27629 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.10.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27629 of 2025

S.Vignesh

... Petitioner

Vs.

1.The Principal District Judge,
Principal District Court,
Madurai.

2.The II Additional Sub Judge,
II Additional Sub Court,
Madurai.

3.The Judicial Magistrate,
Fast Track Court No.1,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to produce the original case bundle in O.S.No.1020/2014 on the file of 2nd respondent Court Madurai along with mount and original document to conduct the case in O.S.No. 1020/2014 and S.T.C.No. 344/2014 within a reasonable time as fixed by this Court.



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For Petitioner : Mr.T.Balarathinakumar

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For Respondents : Mr.M.Mahaboob Athiff

ORDER

Heard both sides.

2.The writ petitioner herein filed O.S.No.1020 of 2014 on the file of the II Additional Sub Court, Madurai. It is a money suit. The petitioner had also instituted a complaint under Section 138 of the Negotiable Instruments Act in S.T.C.No.344 of 2014. The defendant in the suit and the accused in the criminal case are one and the same. The original cheques filed by the petitioner along with the plaint had gone missing. As a result, though more than 11 years have lapsed, the petitioner is unable to prosecute the cases.

3.It is a sad state of affairs. Report was called from the Registry. The Registry's report together with the remarks of the learned Principal District Judge, Madurai as well as the concerned Trial Judges have been perused.



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4. Conducting a postmortem may not yield any result. The learned Principal District Judge is called upon to issue suitable instructions to all the presiding officers coming under his supervision to ensure that the integrity and safety of the records are thoroughly maintained. As far as the case on hand is concerned, immediate steps shall be taken by the Trial Judge / Magistrate to reconstruct the entire records. Since the original record appears to be missing, the petitioner is at liberty to adduce secondary evidence. The suit as well as the criminal case shall be disposed of by the Trial Courts within a period of three months from the date of receipt of a copy of this order. If necessary, the cases will be taken up on a day-to-day basis. Such a direction is issued taking into account the long pendency of the matter.

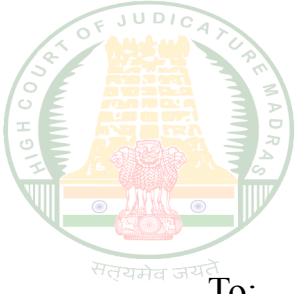
5. This writ petition is disposed of accordingly. No costs.

15.10.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 16.10.2025.

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G.R.SWAMINATHAN, J.

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