



C.R.P.No.574 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2026

CORAM :

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

**C.R.P.No.574 of 2021
and C.M.P.No.4847 of 2021**

1. J.Ruckmani Jayaraman
2. K.J.Shankar
3. K.J.Prabhu

.. Petitioners

Versus

The Manager,
State Bank of India
Coonoor, The Nilgris.

.. Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and final order passed in I.A.No.222 of 2019 in O.S.No.182 of 2017 on the file of the Sub-ordinate Judge of Coonoor, dated 18.11.2019.

For Petitioners : Mr.P.Suresh Babu

For Respondent : Mr.M.L.Ganesh



C.R.P.No.574 of 2021

ORDER

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This Civil Revision Petition is filed to set aside the fair and final order, dated 18.11.2019 passed in I.A.No.222 of 2019 in O.S.No.182 of 2017 on the file of the learned Subordinate Judge, Coonoor.

2. Mr.P.Suresh Babu, learned Counsel for the petitioners/defendants submits that in a suit, filed for recovery of money, by the respondent/plaintiff, an application to receive an additional document, was filed and the same, without being considered on merits, had been, in a casual manner, allowed by the Trial Court. He submits that the suit has been filed on strength of documents which are not in custody of the respondent/plaintiff bank and the same was not whispered to by the respondent/plaintiff in his plaint. Only certified copies of the documents have been marked and an attempt had been made to mark the receipt issued by the C.B.I which, according to the respondent/plaintiff, was a document which would substantiate that the original documents, for which certified documents were marked, are in the custody of the C.B.I. He submits that having not whispered anything of the document not being available with the respondent/plaintiff bank in the plaint, the respondent/plaintiff cannot be allowed to bring about a new document for



C.R.P.No.574 of 2021

substantiating the necessity to mark secondary evidence. He submits that the Court below, according to him, had not dealt with the merits of the application and had allowed the application. Hence, he seeks indulgence of this Court.

3. Countering his arguments, Mr.M.L.Ganesh, learned Counsel for the respondent/plaintiff submits that the entire transaction, including various other transactions, was subject matter of the investigation by the C.B.I. A fraud had been perpetrated in disbursal of the loan. In the course of the investigation, the documents were all seized by the investigating authority, for which, receipts have been issued and to substantiate the marking of secondary evidence, the receipt that has been issued by the C.B.I is sought to be introduced. He submits that the introduction of the said documents would in no manner prejudice the petitioners/defendants as they have not specifically denied the benefits that were extended to by the respondent/plaintiff bank, but, had only agitated the suit as being hit by law of limitation and that the respondent/plaintiff is not entitled for the interest as claimed in the plaint. Hence, he submits that there is no necessity for this Court to interfere with the impugned order and he prays the Court to dismiss the Civil Revision Petition.



C.R.P.No.574 of 2021

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4. I have considered the submission made by the learned Counsel for the petitioners/defendants as well as the learned Counsel for the respondent/plaintiff and had perused the materials available on record before this Court.

5. It is the claim of the petitioners/defendants that the said receipt itself would indicate that the documents have been impounded by the investigating authority and the plaint itself, based upon such documents, would not be maintainable and it is an attempt to fill up lacuna in respect of the secondary evidence which cannot be allowed to be done during the course of trial. According to them, when there has been no pleading in the plaint in respect of the document that is sought to be introduced, the said document could not be taken on record by the Court below. It is to be noted that a written statement had been filed by the third petitioner/defendant and had been adopted by the first petitioner/defendant. On a perusal of the written statement, it would be seen that there has been only a blanket denial of the averments without any specific pleading with regard to the documents that have been executed. During the cross-examination, the relevancy of the original documents was questioned with



C.R.P.No.574 of 2021

P.W.1 who is an official of the respondent bank which had necessitated

them to bring on record additional documents to substantiate that the original documents had been seized by the C.B.I so as to take the said document relied upon by the respondent/plaintiff through P.W.1 as secondary evidence. As noted above, the petitioners/defendants have not denied specifically in the written statement of the transactions with the bank. The Evidence Act also permits receiving of secondary evidence in certain circumstances and this Court is of the view that when the original documents have been seized by the C.B.I pursuant to the investigation of the fraud that had been committed in the disbursal of certain loans by the respondent/plaintiff bank, such documents, which had been seized, could not be produced during the trial and the receipt would enable the Court to look into such documents by way of secondary evidence.

6. With the aforesaid reasons, this Court do not find any merits in the Civil Revision Petition. Accordingly, this Civil Revision Petition stands dismissed. Before parting with the case, this Court finds that the present suit had been filed by the respondent/plaintiff as early as in the year 2017 and it is almost nine years from the date of initiation of the suit, & the suit is filed for recovery of money which is a public money. For the



C.R.P.No.574 of 2021

aforesaid reason, it will also be appropriate to direct the Trial Court to dispose of the suit within a period of six months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

01.04.2026

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

The Sub-ordinate Judge,
Coonoor.



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C.R.P.No.574 of 2021

K.KUMARESH BABU, J.,

grs

C.R.P.No.574 of 2021
and C.M.P.No.4847 of 2021

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