



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 372 of 2026 and

CMP.No.2123 of 2026

Mr.D.S.Ra.P. Pratap Singh

..Petitioner(s)

Vs

Mr.Ashok Giri

..Respondent(s)

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order passed in IA No.5 of 2025 in OS No.2235 of 2020 dated 16.10.2025 on the file of Honble III Additional Judge City Civil Court at Chennai.

For Petitioner(s): M/s.K.Mohan

ORDER

The civil revision petition is filed challenging the order passed by the Trial court dismissing the application filed by the petitioner seeking issuance of witness summon to wife of the defendant to examine her in respect of stop payment letter issued by her on 28.05.2012.



2. The petitioner herein filed a suit seeking recovery of professional fees due to him from the respondent. It is the case of the petitioner that the respondent issued a cheque in favour of petitioner for the purpose of payment of professional fees and the said cheque was dishonoured with an endorsement “drawer issued instruction for stop payment”. Since the cheque was drawn from the joint account of the respondent and his wife, the respondent's wife issued a letter for stop payment on the ground that the cheque was misplaced. It is stated by the petitioner that the respondent colluded with his wife and managed to issue letter for stop payment. In order to ascertain necessary facts regarding the circumstances under which the letter was issued, the petitioner filed instant application seeking issuance of witness summon to wife of the respondent. The said application was dismissed by the trial Court. Aggrieved by the same, the petitioner has come before this Court.

3. The learned counsel for the petitioner would submit that examination of respondent's wife is absolutely necessary to prove the case of the petitioner.

4. It is seen from the typed set of papers that certified copy of the stop payment letter issued by the respondent's wife was marked through the petitioner himself. When the petitioner was examined as P.W.1, the document was shown to him by the opposite counsel and he also admitted it. If the petitioner wants to cross-examine defendant's side witness with regard to the circumstances under which the stop payment letter was issued, it is always open



to him to cross-examine the witness if any examined by the defendant. If the defendant failed to examine any witness, the petitioner is entitled to take advantage of it and advance arguments. However, the petitioner is not entitled to compel the wife of the opposite party to examine herself as a witness. Therefore, I do not find any error in the impugned order passed by the Trial court. Accordingly, the civil revision petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

10-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The III Additional Judge City Civil Court, Chennai.



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S.SOUNTHAR, J.

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