

I.A.No.2/2023 in O.S.No. 187/2017

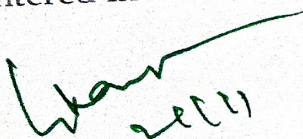
Date: 21.11.2023

ORDER

Plaintiff in O.S.No.187/2017 is the Petitioner in the present Application, which is filed under Order 16 Rule 2 and Sec.151 CPC praying this Court to permit the Petitioner to summon the Branch Manager, Allahabad Bank, Salem Branch, Swarnapuri, Salem or his authorized Officer to give evidence and to produce the entire Records and Documents relating to Ex.A2 (Memorandum of Title Deed) including the Loan Application, Statement of Accounts and all other relevant Documents pertaining to Mortgage Loan Account No.50144253503 that has been raised in the name of Respondents and the Letter given by the Respondents for release of the Original Deeds to the Petitioner.

2) Heard both sides and perused the records.

3) The Suit is one for Recovery of Money, in which, the Plaintiff has entered in to the witness box as PW1

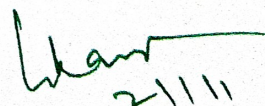

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and tendered 9 documents. He was subjected to cross examination also and only thereupon, the present Application has been filed seeking permission to summon the aforesaid witness, which is opposed by the Respondents.

4) In the Plaint, it is pleaded as follows;

“7. Accordingly, the Plaintiff by believing and trusting the Defendants and the Defendant associates, mortgaged his property with “Allahabad Bank, Swarnapuri Branch, Salem on 11.02.2013 for a loan of Rs.20,00,000/-” and the same was granted to the 1st Defendant by executing the Memorandum of Deposit of Title deeds in document No.853/2013 Sub- Registrar Office, Suramangalam, Salem. The Defendant associates Jayabalaji and Satheesh have signed the said deed as witnesses. The loan amount was credited to the 1st Defendant's account. The said Memorandum of deposit of title deeds may be read as part and parcel of this plaint.”


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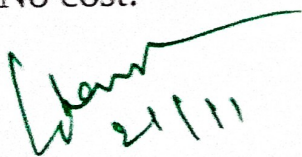
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5) In support of the aforesaid pleadings the Plaintiff/ PW1 has adduced oral evidence also.

6) In the light of the said pleadings and evidence adduced by PW1, this Court feels that the Petitioner is justified in making a request to summon and examine the aforesaid witness.

7) This Court do not find any merit in the objections raised by the Respondents and this Application deserves to be allowed.

In result, the above Application is allowed. No cost.

A handwritten signature in green ink, followed by the date '21/11' written below it.

III ADJ,
Salem.