

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD) NOS.342 AND 343 OF 2015

Ve. Mandiram  
Proprietor  
M/s.Valli Films  
No.21 (Flat No.128), Magistic Colony,  
Valasaravakkam, Chennai - 600 087. ... Petitioner in both CRPs'

**Vs.**

1.K.Bharathiraja  
Proprietor  
M/s.Janani Arts Criations  
No.E-2G, Parsn Apartments,  
Gemini Complex, Chennai - 600 006.  
  
2.M/s.SUN TV  
Represented by its Managing Director  
Anna Arivalayam, Anna Salai,  
Teynampet, Chennai - 600 018. ... Respondents in both CRPs'

**PRAYER:** Civil Revision Petitions filed under Section 115 of the Code of Civil Procedure against the order dated 14.10.2014 passed in I.A.Nos.18 and 19 of 2014 respectively, in O.S.No.11903 of 2010 by the learned XV Additional Judge, City Civil Court, Chennai.

For Petitioner : Mr.Anil Relwani  
for M/s.N.V.S. and Associates

**COMMON ORDER**

These Civil Revision Petitions have been filed challenging the order dated 14.10.2014 passed in I.A.Nos.18 and 19 of 2014 respectively, in O.S.No.11903 of 2010 by the learned XV Additional Judge, City Civil Court, Chennai.

2.The petitioner as plaintiff had instituted the suit against the respondents claiming damages and for permanent injunction. After examination of the plaintiff side evidence, D.W.1 was examined on 24.07.2013 and the case was adjourned to 19.08.2013, 20.11.2013 and 28.11.2013 for cross examination of D.W.1. Since there was no representation for the plaintiff, the Trial Court closed the evidence of D.W.1.

3.Subsequently, the petitioner filed applications in I.A.Nos.18 and 19 of 2014 to reopen and recall D.W.1 for the purpose of cross examination. Though the applications were filed on 03.12.2013, the applications were not properly represented by the petitioner and the Trial Court dismissed those applications on 14.10.2014. Challenging the order, the present Civil Revisions Petitions have been filed.

4.Mr.Anil Relwani, learned counsel for the petitioner has submitted that the petitioner should be given opportunity to cross examine D.W.1 and there was no deliberate negligence or laches on the part of the petitioner in cross examining D.W.1.

5.It is seen from the records that the suit was posted for cross examination of D.W.1 in the month of August 2013 and after giving sufficient opportunity, the Trial Court closed the evidence of D.W.1. It is also seen that the petitioner filed the applications on 03.12.2013, but subsequently, they have not even represented their case. Considering all the aforesaid facts, the Trial Court dismissed the applications. Hence, I do not find any infirmity or material irregularity in the order impugned in these Civil Revision Petitions.

6.In the result, both the Civil Revision Petitions are dismissed. No costs.

**04.02.2015**

Index : Yes/No  
Internet : Yes/No  
TK

To

The XV Additional Judge  
City Civil Court, Chennai.

K.KALYANASUNDARAM, J.  
TK

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