

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2015

CORAM:

THE HON'BLE MR. JUSTICE D.HARIPARANTHAMAN

C.R.P.Nos.3721 to 3723 of 2015

and

M.P.No.1 of 2015

C.R.P.No.3721 of 2015

B.A.Krishnakumar
Secretary

Tamil Nadu Board of Continuing Education
New No.15, Pudupet Garden Street
Rayapettah
Chennai - 600 014.

.. Petitioner/Petitioner/Plaintiff

Vs.

1.K.Govindaraju
President

Tamil Nadu Board of Continuing Education
No.11, Sundaram Flats
Sastri Nagar, Trichy - 17.

2.Central Bank of India

Rep by its Branch Manager
Adyar Branch
Chennai - 600 020.

3.Tamil Nadu Board of Continuing Education

Rep by its Secretary Prof.Raja Muthirulandi
No.1 (20), 1st Street,
Venkatarathinam Nagar Extension
Adyar, Chennai - 600 020.

.. Respondents/Respondents/Defendants

Prayer:

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal orders passed in I.A.No.10936 of 2015 in O.S.No.6601 of 2007 dated 07.08.2015 on the file of the Court of VII Assistant Judge, City Civil Court, Chennai.

C.R.P.No.3722 of 2015

B.A.Krisnakumar

Secretary

Tamil Nadu Board of Continuing Education

New No.15, Pudupet Garden Street

Rayapettah

Chennai - 600 014.

... Petitioner/Petitioner/Plaintiff

Vs.

1.K.Govindaraju

President

Tamil Nadu Board of Continuing Education

No.11, Sundaram Flats

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Rep by its Secretary Prof.Raja Muthirulandi

No.1 (20), 1st Street,

Venkatarathinam Nagar Extension

Adyar, Chennai - 600 020.

.. Respondents/Respondents/Defendants

Prayer:

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal orders passed in I.A.No.10937 of 2015 in O.S.No.6601 of 2007 dated 07.08.2015 on the file of the Court of VII Assistant Judge, City Civil Court, Chennai.

C.R.P.No.3723 of 2015

B.A.Krisnakumar

Secretary

Tamil Nadu Board of Continuing Education

New No.15, Pudupet Garden Street

Rayapettah

Chennai - 600 014.

... Petitioner/Petitioner/Plaintiff

Vs.

1.K.Govindaraju

President

Tamil Nadu Board of Continuing Education

No.11, Sundaram Flats

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3.Tamil Nadu Board of Continuing Education

Rep by its Secretary Prof.Raja Muthirulandi

No.1 (20), 1st Street,

Venkatarathinam Nagar Extension

Adyar, Chennai - 600 020.

.. Respondents/Respondents/Defendants

Prayer:

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal orders passed in I.A.No.10938 of 2015 in O.S.No.6601 of 2007 dated 07.08.2015 on the file of the Court of VII Assistant Judge, City Civil Court, Chennai.

For Petitioners : Mr.A.Muthukumar,
in all the CRPs

For Respondents : Mr.R.Suresh Kumar, for M/S.K.M.VIJAYAN
ASSOCIATES for R1 to R3 in all the CRPs

C O M M O N O R D E R

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

2. The issue that arises for consideration in these Civil Revision Petitions lies in narrow compass.

3. The revision petitioner is the plaintiff in O.S.No.6601 of 2007 on the file of the VII Assistant Judge, City Civil Court, Chennai. The revision petitioner/plaintiff filed an application in I.A.No.10936 of 2015 to reopen the plaintiff side evidence. He has also filed application in I.A.No.10937 to recall P.W.1 to mark the documents filed along with the petition under Order 7 Rule 14(3) CPC and an application in I.A.No.10938 of 2015 to grant leave to the petitioner to file the documents listed in the annexure.

4. Though, the revision petitioner/plaintiff has sought to produce 19 documents after his side evidence was over, the learned counsel for the revision petitioner has submitted that he would be satisfied if the documents Nos.11, 12, 15 and 16 are received and those documents are also marked subject to proof and admissibility. The learned counsel for the revision petitioner further submitted that if these documents are not brought on record, the same would cause serious prejudice.

5. On the other hand, the learned counsel for the respondents would submit that the matter is already posted for arguments and the revision petitioner/plaintiff is only adopting dilatory tactics by filing these applications.

6. In these circumstances, the Civil Revision Petitions are disposed of by setting aside the order passed by the Trial Court in I.A.Nos.10936 to 10938 of 2015 and allowing the plaintiff to reopen his side evidence and to mark the document Nos.11, 12, 15 and 16 subject to proof and admissibility. Further, the statement made by the learned counsel for the petitioner that the revision petitioner/plaintiff would not seek unnecessary adjournments and complete the proceedings at the earliest is recorded.

7. The learned counsel for the petitioner further states that after marking the documents subject to the cross-examination of P.W.1, he has no other evidence. Hence, the Trial Court is directed to dispose of the suit within a period of two months from the date of receipt of a copy of this order.

8. The Civil Revision Petitions are disposed of with the above directions. Consequently, connected miscellaneous petition is closed. No costs.

-sd/-

ASSISTANT REGISTRAR

/ TRUE COPY /

SUB-ASSISTANT REGISTRAR

pgp

To
The VII Assistant Judge,
City Civil Court, Chennai.

+1 CC to MR.A.MUTHUKUMAR. SR.NO. 52483

+1 CC to MR.K.M.VIJAYAN ASSOCIATES. SR.NO. 52553

C.R.P.Nos.3721 to 3723 of 2015

WEB COPY

CO-TEJ

JD 07/10/2015