

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2015

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

C.R.P(PD).No.4655 of 2015
and M.P.No.1 of 2015

1.M/s.Madras Fertilizers Ltd.,
rep. by its Chairman-cum-
Managing Director,
No.96, Anna Salai,
Chennai-600 032.

2.M/s.Madras Fertilizers Ltd.,
rep. by its Executive Director,
Post Bag No.2, Manali,
Chennai-600 002.

.. Petitioners/Defendants-1 & 2

Vs.

1.M/s.Shivas Industrial Caterers
India Pvt. Ltd.,
rep. by its General Manager,
V.S.Sathyamurthy,
No.67, Kamaraj Avenue,
II Street, Adyar,
Chennai-600 020.

.. 1st Respondent/Plaintiff

2.C.Ramachandran

.. 2nd Respondent/3rd Defendant

Prayer:- Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and decreetal order dated 13.08.2015 in I.A.No.98 of 2015 in O.S.No.804 of 2003 on the file of the learned XVI Addl. Judge, City Civil Court, Chennai.

For Petitioner :Mr.P.Chandrasekar

ORDER

The Civil Revision Petition is filed against the fair and decreetal order dated 13.08.2015 in I.A.No.98 of 2015 in O.S.No.804 of 2003 on the file of the learned XVI Addl. Judge, City Civil Court, Chennai.

2.The first respondent herein as a plaintiff filed a suit in O.S.No.804 of 2003 for declaration that the cancellation notice dated 31.01.2003 in PTR/4.800/03 issued by the defendant as null and void and for permanent injunction restraining the defendant from taking any further action in pursuance of the notice dated 31.01.2003 issued by the defendant in PTR/4.800/03 from assigning the contract to anybody either to the third defendant or any third party and other reliefs. The first defendant filed a written statement and contesting the same.

3.During pendency of the suit, the revision petitioners/defendants 1 and 2 have come forward with an application in I.A.No.98 of 2015 for condonation of delay for

reception of documents under Order VIII Rule 1-A(3) C.P.C. The trial Court, after hearing both sides, dismissed the application, against which, the present revision has been preferred by the defendants 1 and 2.

4.Learned counsel for the revision petitioners submits that at the time of filing written statement, the documents sought to be marked were not filed, because due to bifurcation of the Court, transfer of the case and change of advocate, the revision petitioners were unable to file the originals before the Court. Hence, the revision petitioners/defendants 1 and 2 were forced to file the application for condonation of delay for reception of documents. That factum was not considered by the trial Court. Therefore, he prayed for allowing the revision petition.

5.At the time of admission, argument of the learned counsel for the revision petitioner is heard in length.

6.On perusal of the typed set of papers, it reveals that the first respondent herein as a plaintiff filed a suit for the aforesaid reliefs stating that the plaintiff is a canteen contractor. The first

defendant made an advertisement on 20.10.2002 inviting tenders for running canteen in their factory premises at Manali. The first defendant issued a tender schedule and the plaintiff has also submitted the quotation, on that basis, the plaintiff was declared as successful bidder through a letter dated 19.12.2012. On 28.01.2003, the defendant issued a threatening notice to cancel the contract and finally on 31.01.2003, he issued a cancellation letter by cancelling the contract. Challenging the same, suit has been filed by the plaintiff.

7.The defendants filed a detailed written statement and contesting the suit. According to the defendants 1 and 2, at the time of filing written statement, they have not filed the documents sought to be marked, due to bifurcation of the Court and change of Advocate, they are not in a position to file the originals before the Court.

8.On perusal of the documents sought to be marked, it reveals that all the documents are already filed by the first respondent/plaintiff at the time of filing the suit. In such circumstances, there is no necessity for filing application for

condonation of delay for reception of documents. Even though the trial Court has dismissed the application in other aspects, I am of the opinion, those documents were already marked by the first plaintiff/first respondent, when P.W.1 was in witness box. Under such circumstances, documents sought to be marked by the revision petitioners/defendants 1 and 2 are speculative in nature. Therefore, I do not find any merits in the revision. The Civil Revision Petition deserves to be dismissed and it is hereby dismissed.

9.In fine, the Civil Revision Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

14.12.2015

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Index:Yes/No

To

The XVI Addl. Judge,
City Civil Court, Chennai.

R.MALA,J.

Kj

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