

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.11.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) Nos.2195 and 2196 of 2014

S.Haja Mohideen : Petitioner
versus

1.M.Sheik Mohideen
2.T.Muthupandian

3.P.Shiek Abdul Khader : Respondents

PRAYER: Revisions filed against the order dated 3.3.2014, in I.A.Nos.3442 and 2492 of 2013 in O.S.No.9872 of 2010 and O.S.No.130 of 2012 on the file of the III Additional City Civil Court, Chennai.

For petitioner : Mr.G.Rajan

For respondents : Mr.Haja Mohideen Gisthi

COMMON ORDER

The petitioner originally filed a suit before this Court. The suit was transferred to the III Additional City Civil Court, Chennai, and renumbered as O.S.Nos.9872 of 2010. The prayer in the suit is to declare the promissory note dated 14 August 2010 as null and void.

2. The respondents herein filed a suit in O.S.No.130 of 2012 before the III Additional City Civil Court, Chennai, praying for a money decree.

3. The respondents filed I.A.Nos.3442 and 2492 of 2013 before the Trial Court, invoking Order 6 Rule 17 CPC to strike out the unnecessary pleadings. The applications were allowed by the learned Trial Judge by way of a brief order. The orders are under challenge.

4. Heard the learned counsel for the petitioner. None appears on behalf of the respondents.

5. The respondents filed applications with a prayer to strike out the unnecessary pleadings. The learned III Additional Judge removed certain portions in the written statement filed by the petitioners in O.S.No.130 of 2012 and in the plaint in O.S.No.9872 of 2010.

6. The order passed by the learned trial Judge does not contain any reason muchless justifiable reasons to strike out the pleadings. Merely because the name of a relative of a counsel was mentioned in the plaint as well as in the written statement in the connected suit, it cannot be said that those pleadings are unnecessary for a disposal of the matter. That stage has not arisen in the suit. I am therefore of the view that the learned trial Judge was not correct in allowing the applications.

7. In the result, the order dated 3 March 2014, in I.A.Nos.3442 and 2492 of 2013 in O.S.No.9872 of 2010 and O.S.No.130 of 2012 are set aside.

8. The civil revision petitions are allowed. No costs. Consequently, M.P.Nos.1 and 1 of 2014 are closed.

07.11.2016

Index:Yes/no
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To
The III Additional City Civil Court, Chennai.

K.K.SASIDHARAN, J.

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