

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) Nos.1253 & 1254 of 2011

1.A.P.Arjun

2.M.Kalaivani

3.G.Indira ... Petitioners in both cases

vs

1.L.Gothamchand Lodha

2.Life Insurance Corporation of India
represented by its Branch Manager
City Branch III,Bombay Mutual Building 2nd floor
No.232, N.S.C Bose Road
Chennai-600 001

3.Life Insurance Corporation of India
represented by its Branch Manager
No.192, Anna Salai
Little Mount, Chennai-600 015

... Respondents in both cases

Civil Revision Petitions filed under Article 227 of the Constitution of India against the orders of learned XII Assistant City Civil Judge, Chennai, passed in I.A.Nos.20613 and 20617 of 2010 in O.S.No.3282 of 2008 on 14.12.2010.

For Petitioners : Mr.CPG.Yoganand

For Respondents : No Appearance for R1 to 3

COMMON ORDER

These revisions challenge the order of learned XII Assistant City Civil Judge, Chennai, passed in I.A.Nos.20613 and 20617 of 2010 in O.S.No.3282 of 2008 on 14.12.2010.

2. Petitioners/plaintiffs have moved O.S.No.3282 of 2008 on the file of learned XII Assistant City Civil Judge, Chennai and they have sought the following reliefs:

a. directing the first defendant to return and handover to the plaintiffs:

i) Original certificates of the LIC policies bearing Nos.715711471 and 713364252 issued by the second and third defendant respectively in the name of the first plaintiff;

ii) Original certificates of the LIC policy bearing No.716454797 issued by the second defendant in the name of the second plaintiff; and

iii) Original certificates and Form of reassignment of the LIC policy bearing No.715711774 issued by the second defendant in the name of the third plaintiff;

b) granting permanent injunction restraining the second and third respondents their respective staffs, officials, employees, representatives, men and agents from making payment of monies to the first respondent or his legal representatives, men and agents by way of assignment or otherwise in respect of the following:

i) LIC policy Nos.715711471 and 713364252 issued by the second and third defendant respectively in the name of the first plaintiff;

ii) LIC policy No.716454797 issued by the

second defendant in the name of the second plaintiff; and

iii) LIC policy No.715711774 issued by the second defendant in the name of the third plaintiff;

c) directing the defendants, jointly and severally to pay costs of the suit”

Post cross examination of D.W.2, whose deposition was to the effect that the signatures on Exs. A16 to 24 were his but the documents reflected forgeries, that the same bore the signature of his staff by name R.Gowri and S.Manju and that he did not intend to examine them, petitioners/plaintiffs have moved I.A.Nos.20613 and 20617/ 2010 informing that the said R.Gowri and S.Manju had signed Exs.A.16 to A.24 as witnesses and that wherever there are changes or corrections therein, the same have been duly verified and authenticated by the said R.Gowri in her own hand and given the contention of D.W.2 that the same were forgeries, it become necessary to summon the said person. Against the dismissal of such applications, present revisions stand filed.

3. This Court has heard learned counsel for petitioners. There is no representation for respondents.

4. In dismissing the applications, the Court below erroneously has reasoned that since the first respondent/D.W.1 had not contended that the

changes or alterations in Exs.A.16 to A.24 were made by R.Gowri, her evidence was unnecessary. Court below has lost sight of the purpose for which the petitioners/plaintiffs has sought examination of the said person viz.,R.Gowri towards establishing that the corrections/alterations had been counter signed by her who was an employee of the first defendant and thereby to disprove the claim of the first defendant/ first respondent that such alterations/corrections were forgeries.

5. For the aforesaid reasons, these revisions shall stand allowed. Setting aside the order under challenge, I.A.Nos.20613 and 20617 of 2010 in O.S.No.3282 of 2008 on the file of XII Assistant City Civil Judge, Chennai, shall stand allowed.

15.07.2016

Index:yes/no

Internet:yes

To

The XII Assistant City Civil Judge, Chennai

C.T.SELVAM, J

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