

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

C.R.P.(PD) Nos.4636 and 4637 of 2015

And

M.P.Nos.1 and 1 of 2015

S.K.Selvarajan

... Petitioner in both CRP(PD)s.

Vs.

Jayapriya Financiers,
Rep. by its Proprietor
C.R.Jaisankar
Rep. by his Power of Attorney
A.Sekar

... Respondent in both CRP(PD)s.

Common Prayer:

Petitions have been filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 06.07.2015 made in I.A.Nos.323 and 324 of 2015 respectively, in O.S.No.7 of 2011 on the file of II Additional District Court, Chidambaram, and to allow the above civil revision petitions.

For Petitioner : Mr.P.P.Shanmugasundaram

COMMON ORDER

The petitioner has come forward with these revisions challenging the impugned orders passed in I.A.Nos.323 and 324 of 2015 respectively, in O.S.No.7 of 2011 by the II Additional District Court, Chidambaram, wherein, the prayer for recalling P.W.1 (I.A.No.323 of 2015) and reception of additional document (I.A.No.324 of 2015) made by the respondent herein came to be allowed.

2.The learned counsel for the petitioner would submit that the respondent as a plaintiff filed a suit for recovery of money due on a mortgage. Already, the plaintiff side evidence has been over and the defendant side evidence also has been over and when the matter was posted for arguments, he has come forward with these applications for recalling the P.W.1 and also for reception of documents. He would further submit that there is no necessity for recalling P.W.1 and the document filed as additional document is not relevant to this case as the licence has been issued in one address and he is doing business in another address. So the additional document is unnecessary and that factum was not considered by

the Trial Court. Hence, he prayed for setting aside the impugned order.

3. Heard the learned counsel for the petitioner. This Court also perused the entire materials placed before it. Considering the argument made by the learned counsel for the petitioner and the nature of the order that is going to be passed, notice to the respondent is dispensed with.

4. The respondent filed suit for recovery of money due on mortgage. The petitioner herein has filed written statement and contests the same. Now, during the pendency of the suit, when already plaintiff side evidence was over and when the matter was posted for arguments, the respondent herein has filed the applications and in that he has stated that during cross examination, he came to know that the document is necessary and thereafter only he has searched and taken the document.

5. The main contention of the petitioner herein is that the document is not necessary for disposal of the case since in that, licence has been given for doing finance business in one address

whereas, the business has been done in another address. Hence, the document is unnecessary.

6. According to the petition averment, during cross-examination of P.W.1, some question has been posted by the petitioner counsel, so the licence issued by the Tahsildhar in the year 1997 is necessary. But, it was on perusal shows that the licence has been periodically renewed.

7. Now the point to be decided is whether the document is necessary for disposal of the suit at the time of trial and not now. So, the Trial Judge has rightly considered the same and allowed the applications stating that the admissibility and relevancy of the document can be decided at the time of orders. In such circumstances, I do not find any reason to interfere with the reasons of the Trial Court and hence, the order made in I.A.Nos.323 and 324 of 2015 do not warrant any interference.

8. Accordingly, these Civil Revision Petitions are dismissed and the orders dated 06.07.2015 made in I.A.Nos.323 and 324 of 2015 respectively, in O.S.No.7 of 2011 by the II Additional District Court,

Chidambaram are hereby confirmed. No costs. Consequently, the connected miscellaneous petition are also closed.

19.01.2016

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Index: Yes/ No

Internet: Yes/ No

To

1.The II Additional District Court, Chidambaram.

R.MALA,J.

pri

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