

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2016

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

C.R.P(PD) No.3339 of 2010

and

M.P.No.1 of 2010

1.M/s.Shadiram and Sons by its partners

2.Shadiram

3.Sandeep Mohan

4.J.K.Mohan

... Petitioners

vs.

The Salem Roller Flour Mills,
rep. by its partner, S.Deepak Kumar,
having office at 67/2, Calicut Main Road,
Nethimedu, Salem – 636 002.

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the Order dated 10.6.2010 in I.A.No.50 of 2010 in O.S.No.213 of 2008 on the file of the Additional District Judge, Fast Track Court No.I, Salem.

For Petitioners : Mr.A.R.Nixon

For respondent : Mr.A.Mudimannan

ORDER

This Civil Revision Petition arises against the fair and decretal order dated 10.06.2010 passed in I.A.No.50 of 2010 in O.S.No.213 of 2008

on the file of the learned Additional District Judge, Fast Track Court No.I, Salem.

2. The respondent herein filed the suit in O.S.No.213 of 2008 on the file of the learned Additional District Judge, Fast Track Court No.I, Salem, praying for a direction to the defendants to pay a sum of Rs.7,54,313/- to the plaintiff/respondent herein with subsequent interest at the rate of 12% p.a., and for costs. Denying the allegations made in the plaint, the defendants/revision petitioners filed Written Statement. Plaintiff's side evidence was closed and the case was posted for defendants' side evidence.

3. At this stage, the revision petitioners/defendants preferred an Interlocutory Application in I.A.No.50 of 2010 in O.S.No.213 of 2008 before the Trial Court praying to re-open the case on the side of the respondent/plaintiff for the purpose of marking documents through PW.1.

4. Upon hearing the learned counsel appearing for the parties and perusing the materials on record, the Trial Court dismissed the Interlocutory Application in I.A.No.50 of 2010 in O.S.No.213 of 2008 by order dated 10.06.2010. Against this order, the present Civil Revision Petition has been filed by the defendants except the fifth defendant.

5. Mr.A.R.Nixon, learned counsel appearing for the petitioners would submit that the genuine request of the defendants to re-open the case

for the purpose of marking a material document through PW.1 was negated by the trial Court without appreciating the contention of the defendants. The learned counsel would further submit that as the case has to be decided on merits, the defendants ought to have been afforded an opportunity as sought for by the defendants. The impugned order passed by the Trial Court is a non-speaking and cryptic order. On these backgrounds, he would submit that the impugned order is liable to be set aside and the Civil Revision Petition has to be allowed.

6. On the other hand, Mr.A.Mudimannan, learned counsel appearing for the respondent/plaintiff would submit that there is no irregularity in the order passed by the Tribunal and the order is a reasoned one and the Tribunal after considering the facts and evidence on record, rightly dismissed the Interlocutory Application and therefore, no interference is warranted at the hands of this Court.

7. Heard Mr.A.R.Nixon, learned counsel appearing for revision petitioner and Mr.A.Mudimannan, learned counsel appearing for the respondent and perused the materials on record.

8. On going through the order in I.A.No.50 of 2010, dated 10.06.2010 passed by the trial Court, this Court is of the considered view that the same is a non speaking and cryptic order bereft of details. In law,

the trial Court's order must be a reasoned and speaking one. It is needless to state that an unreasoned order may be just, but may not appear to be sound to the individual affected. Per contra, a reasoned order will have the appearance of justice. In order to prevent aberration of justice, the impugned order is liable to be set aside in the eye of law.

9. Accordingly, the fair and decretal order dated 10.06.2010 passed in I.A.No.50 of 2010 in O.S.No.213 of 2008 by the Trial Court is set aside and the matter is remitted to the Trial Court. The Trial Court is directed to pass a reasoned order in I.A.No.50 of 2010 in O.S.No.213 of 2008 without being influenced with any of the observations made by this Court in this revision, after giving opportunities to the parties concerned in the manner known to law, within a period of 8 weeks from the date of receipt of a copy of this order.

10. In the result, the Civil Revision Petition is allowed. The connected Miscellaneous Petition is closed. No costs.

20.04.2016

Index : yes / no

Internet :yes / no

asvm

To

The Additional District Judge,

Fast Track Court No.I, Salem.

D.KRISHNAKUMAR, J.

(asvm)

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