

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2017

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.986 to 988 of 2017

C.M.P.No.4873 of 2017 in CRP (PD) No.986 of 2017

Sohanchand Gadhiya

... Petitioner in all CRPs

v.

1.M/s.Deepak Road Carriers

2.Mrs. Shankuthalabansil

3.Vikaash Bansil

4.Deepak Bansil

... Respondents in all CRPs

C.R.P.(PD)No.986/2017 filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 02.02.2017 passed in I.A.No. 632/2017 in O.S.No. 4088/2004 by the Hon'ble VIII Asst Judge, City Civil Court, Chennai.

C.R.P.(PD)No.987/2017 filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 02.02.2017 passed in I.A.No. 633/2017 in O.S.No. 4088/2004 by the Hon'ble VIII Asst Judge, City Civil Court, Chennai.

C.R.P.(PD)No.988/2017 filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 02.02.2017 passed in I.A.No. 634/2017 in O.S.No. 4088/2004 by the Hon'ble VIII Asst Judge, City Civil Court, Chennai.

For Petitioner : Mr.M.Mahendrakumar

COMMON ORDER

Challenging the fair and final orders passed in I.A.Nos. 632/2017, 633/2017 and 634/2017 in O.S No.4088 of 2014 on the file of VIII Assistant Judge, City Civil Court, Chennai, the plaintiff has filed the above Revision Petitions.

2. The plaintiff filed the suit in O.S.No. 4088 of 2014 for recovery of money. The defendants filed the written statement and are contesting the suit.

3. After the completion of the oral evidence and when the suit was posted for arguments, the plaintiff filed the following applications :-

(i) I.A.No. 632/2017 to reopen the evidence of P.W.1;

(ii) I.A.No. 633/2017 to recall P.W.1, to produce and mark additional documents;

(iii) and I.A.No. 634/2017 to condone delay in receiving the documents.

3. Admittedly, the suit is pending for more than 15 years and only after the completion of the oral evidence and when the suit was posted for argument, the plaintiff has come forward with the present applications to mark additional documents and to recall P.W.1 for the said purposes.

4. In the affidavit filed in support of the applications, the plaintiff has stated that during the examination of D.W.1, he denied the execution of cheques/instruments and also the signature of S.K. Bansali. Based on the evidence of D.W.1, the plaintiff sought to mark additional documents on his side.

5. The learned counsel appearing for the petitioner submitted that the plaintiff has marked the statement of accounts before the Trial Court. When the suit is pending for 15 years, the plaintiff should have taken all earnest steps to produce all the documents available with him. But the plaintiff choose not to produce some of the documents and in a peace meal manner, that too, after the completion of the oral evidence, he sought to mark 23 additional documents. The applications filed by the plaintiff was opposed by the defendants stating that if the present applications are allowed when the suit is posted for arguments, the defendants would be put to irreparable loss and hardship. When the plaintiff had ample time for proving his case by producing the necessary documents, he chose not to produce the documents at the time of trial.

6. The reasons given by the plaintiff in the affidavit filed in support of the applications are not accepted by the Trial Court. That apart, the Trial Court also observed that the documents sought to be marked by the plaintiff are no way relevant for the purpose of bringing the suit. Observing so, the Trial Court has rightly dismissed the applications.

7. In these circumstances, I do not find any error or irregularity in the orders passed by the Trial Court. The Civil Revision Petitions are devoid of merits and are liable to be dismissed. Accordingly, the Civil Revision Petitions are dismissed. No Costs. Consequently connected miscellaneous petition is closed.

16.03.2017

Index : Yes/No

Rj/Gsa

To

The VIII Assistant Judge
City Civil Court
Chennai.

M. DURAISWAMY,J.,

Rj/Gsa

C.R.P.(PD)No.986 to 988 of 2017

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