



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2017

CORAM:

THE HONOURABLE Mr.JUSTICE G.JAYACHANDRAN

C.R.P. (MD) PD.Nos.518 and 519 of 2017

and

C.M.P. (MD) No.2413 of 2017

C.R.P. (MD) No.518 of 2017:

1.Joy Alukkas Traders (India) Pvt.Ltd.,  
A Company Registered under the Companies Act, 1956,  
Rep.by its Authorized Signatories Joy Alukkas,  
Johnpaul Joy Alukkas,  
H.Sanjay P.D.Jose and C.I.Francis,  
Having Corporate Office at Marine Drive,  
Kochi 682 035,  
Kerala State.

2.Joy Alukkas Traders (India) Pvt.Ltd.,  
1/175, Rep.by its Managing Director Joy Alukkas,  
Having Corporate Office at Marine Drive,  
Kochi 682 035,  
Kerala State.

3.Joy Alukkas Traders (India) Pvt.Ltd.,  
Rep.by its Executive Director,  
Having Corporate Office at Marine Drive,  
Kochi 682 035,  
Kerala State.

4.Joy Alukkas Traders (India) Pvt.Ltd.,  
Rep.by its Branch Managing,  
Having Branch Office at No.107,  
Nethaji Road,  
Madurai 625 001.

... Petitioners/  
Respondents/Defendants

**Vs.**

Rajan

... Respondent/  
Petitioner/Plaintiff

**Prayer:** The Civil Revision Petition is filed under Article 227 of the Constitution of India, setting aside the order dated 17.09.2016 passed in I.A.No.617 of 2016 in O.S.No.17 of 2013 by V Additional District Court, Madurai.

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... Petitioners/  
Respondents/Defendants

**Vs.**

Rajan

... Respondent/  
Petitioner/Plaintiff

**Prayer:** The Civil Revision Petition is filed under Article 227 of the Constitution of India, setting aside the order dated 17.09.2016 passed in I.A.No.618 of 2016 in O.S.No.17 of 2013 by V Additional District Court, Madurai.

For Petitioners : Mr.S.Anand Chandrasekar

**COMMON ORDER**

The Civil Revision Petition in C.R.P.PD(MD)No.518 of 2017 has been filed setting aside the order dated 17.09.2016 passed in I.A.No.617 of 2016 in O.S.No.17 of 2013 by V Additional District Court, Madurai.



2.The Civil Revision Petition in C.R.P.PD(MD)No.519 of 2017 has been filed setting aside the order dated 17.09.2016 passed in I.A.No.618 of 2016 in O.S.No.17 of 2013 by V Additional District Court, Madurai.

3.The grievance of the revision petitioners is that without affording an opportunity, the orders passed in I.A.Nos.617 and 618 of 2016, which were filed to reopen and recall P.W.1 at the fag end of the trial, is bad in law and also against the principles of natural justice. To substantiate their plea, the learned counsel for the petitioners submitted that the copy of the Interlocutory Applications was served on the learned counsel on 17.09.2016 and on the same day, the order of recall and reopen were passed by the Trial Court without affording an opportunity and apart from that the prime objection for allowing these applications is that the plaintiff is trying to fill up the lacuna, which is highly prejudice and opportunity to put forth their objection has been deprived.

4.The learned counsel for the caveator submitted that it is just and necessary to mark the documents, which were in their possession, but the same could not be exhibited during the examination of P.W.1 and for that reason, the said applications were filed to reopen and recall and taking note of the merit in these cases, the Trial Court has passed an order. But the learned counsel also fairly conceded that before passing an order, adequate opportunity should be given to the revision petitioners.

5.In above said circumstances, this Court is of the opinion that it is suffice to set aside the orders dated 17.09.2016 passed in I.A.Nos.617 & 618 of 2016 and direct the Trial Court to given an opportunity to the revision petitioners in I.A.Nos.617 and 618 of 2016 before passing any order. Time for disposal of the said applications is 30 days from the date of receipt of a copy of this order. The Civil Revision Petitions are ordered accordingly. No costs. Consequently, connected C.M.P.is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar



To

The V Additional District Court, Madurai.

+1cc to Mr.Sarvabhauman Associates, Advocate Sr.No.14944

+1cc to Mr.G.Aravinthan, Advocate Sr.No14854

NBJ

VB/JC/SAR3/12.04.2017/4P/4C

**C.R.P. (MD) PD.Nos.518 and 519 of 2017**  
**15.03.2017**