

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.04.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(PD) No.1154 of 2018

J.R.Chandran

... Petitioner

Vs.

1. P.Anantharaman

2. M/S.Shrusti

A Partnership firm, rep. by its
Managing partner,
Mr.S.Alexander,
22/39, Brahmin Street, Velacherry,
Chennai - 600 042.

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated 27.02.2018 passed in Memo dated 20.02.2018 filed in R.C.O.P.No.543 of 2014 by the XIII Small Causes Judge, Chennai.

For Petitioner : Mr.R.Sankarappan

For Respondent 1 : Mr.M.Vijayakumar

For Respondent 2 : No appearance

ORDER

The relief sought for in this petition is to set aside the order dated 27.02.2018 passed in Memo dated 20.02.2018 filed in R.C.O.P.No.543 of 2014

by the XIII Small Causes Judge, Chennai.

2. The revision petitioner is the first defendant and the first respondent is the plaintiff in the suit in O.S.No.543 of 2014 on the file of the learned XIII Small Causes court, Chennai, seeking to grant an order of eviction against the petitioner herein.

3. The learned Counsel for the petitioner submits that when the matter was posted for orders, the counsel for the respondent/1st defendant noted wrongly as if the case was posted for deposition of PW1. Therefore, the respondent/1st defendant filed a memo before the trial Court in R.C.O.P. No.543 of 2014 on 20.02.2018 to ratify the said mistake. But the trial Court failed to consider the same and passed the orders thereby rejecting the memo on 27.02.2018.

4. Aggrieved against the said order passed by the trial Court dated 27.02.2018, the revision petitioner is before this Court by way of this Revision.

5. Heard the learned counsel for the petitioner and the learned counsel for first respondent, and perused the materials available on record.

6. It is an admitted fact that the PW1 was examined on 13.04.2017 and 26.04.2017. Both side evidences were closed on 06.06.2017 and the matter was posted under the caption for orders. At that time of preparation of arguments, they noted that the deposition of PW1 was wrongly recorded by the trial Court. But the trial Court failed to ratify the said mistake committed by it. If at all, Court has committed any mistake at the time of recording the deposition, immediately either the counsel or the parties could point out the mistake in the presence of the opposite parties or counsel. Usually during the trial after recording evidence, the deposition will be given to the witness for signature. During that time, witness will read and sign the deposition and opposite counsel will be given an opportunity either to read the deposition or to follow the deposition, at the time of recording the same, either the counsel can immediately brought to the notice of the Court or can file a memo to that effect. In this case, admittedly the petitioner neither brought to the notice of the Court nor filed any memo to that effect on the date of recording of the evidence. However, the typographical mistakes in the deposition of witnesses can be corrected at any stage before pronouncing the Judgments but not other mistakes.

P.VELMURUGAN, J.,

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7. In view of the above discussions, this Court does not find any illegality or infirmity in the order passed by the trial court dated 27.02.2018 and find no merits in this revision filed by the revision petitioner.

8. In the result, the Civil Revision petition is dismissed. No costs.

10.04.2018

Index:Yes/No

Speaking order / Non speaking order

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To

The XIII Small Causes Judge,
Chennai

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