

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)Nos.1820 to 1822 of 2015
& M.P.Nos.1 to 1 of 2015

1.M/s.Sai Lakshmi Movie Makers
No.33, South West Boag Road,
T.Nagar, Chennai – 17,
Represented by its partner No.33,
South West Boag Road,
T.Nagar Chennai – 17.

2.K.Jayaraman, Partner,
M/s.Sai Lakshmi Movie Makers,
No.33, South West Boag Road,
T.Nagar, Chennai – 17.

.. Petitioners in all
C.R.Ps.

Vs.

M/s.Trichy Suriya Films,
5/8, Narayana Nagar,
Salai Road, Trichy,
represented by Managing Patner,
O.D.Dinakaran,
5/8, Narayana Nagar,
Salai Road, Trichy – 3.

.. Respondent in
all C.R.Ps.

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the fair and decretal orders dated 09.04.2015 made in I.A.Nos.3673 to 3675 of 2015 in O.S.No.6903 of 2010 on the file of the I Additional City Civil Court, Chennai.

For Petitioners : Mr.K.N.Nataraj

For Respondent : Mr.A.Chidambaram

COMMON ORDER

These Civil Revision Petitions have been filed to set aside the fair and decretal orders dated 09.04.2015 made in I.A.Nos.3673 to 3675 of 2015 in O.S.No.6903 of 2010 on the file of the I Additional City Civil Court, Chennai.

2.The issues and the parties involved in all the Civil Revision Petitions are one and the same and therefore, they are disposed of by this common order.

3.The petitioners are defendants and respondent is the plaintiff in O.S.No.6903 of 2010 on the file of the I Additional City Civil Court, Chennai (formerly C.S.No.217 of 1999 on the file of this Court). The respondent filed written statement on 23.06.2003 and additional written statement in the month of March 2012. The issues were framed and trial commenced and parties have let in evidence and closed their side. When the suit was posted for judgment, the respondent filed three applications viz., I.A.Nos.3673 to 3675 of 2015 to reopen the case in O.S.No.6903 of 2010; recall P.W.1 in

O.S.No.6903 of 2010 for giving further evidence and for permission to file additional documents. According to the respondent, they have mentioned about the registration of the respondent firm in the plaint. The petitioners have not denied the same in the written statement and therefore, no issue had been framed in this regard. Only during cross examination of P.W.1 and during arguments, the issue was raised by the counsel for the petitioners. Earlier, respondent handed over the original Registration Certificate to their counsel who was handling the matter in this Court when the suit was pending before this Court. Subsequently, the suit was transferred to I Additional City Civil Court and renumbered as O.S.No.6903 of 2010. At that time, the counsel for the respondent handed over the bundle and informed him that original Registration Certificate of the respondent firm has been misplaced. The petitioners are now raising issue that suit is not maintainable for not filing the Registration Certificate. The respondent applied for the same and seeking permission of the Court to mark the said document.

4.The petitioners filed counter affidavit and denied all the averments made in the affidavit and contended that the present applications are filed only to drag on the proceedings. Earlier, the

respondent has filed application for amendment and the same was allowed and the petitioner has not given any reason for not filing these documents earlier.

5.The learned Judge considering the averments in the affidavit and counter affidavit, allowed all the three applications.

6.Against the said order dated 09.04.2015 made in I.A.Nos.3673 to 3675 of 2015 in O.S.No.6903 of 2010, the present three Civil Revision Petitions are filed by the petitioners.

7.Heard the learned counsel for the petitioners as well as the respondent and perused the materials available on record.

8.From the materials available on record and impugned order, it is seen that the respondent has made averments in the plaint that respondent firm is registered one. The petitioners did not dispute the same in the written statement and the additional written statement filed by them. No issue was framed with regard to maintainability of the suit on the ground of non-filing of the Registration Certificate. The counsel for the petitioners raised this issue during cross examination of P.W.1 and arguments of counsel

for the petitioners. In view of the same, it cannot be said that the permission sought for by the respondent to mark the Registration Certificate after reopening, recalling P.W.1 is a belated one or filed only to drag on the proceedings.

9.The learned Judge has considered all the above facts and allowed these applications. There is no illegality or irregularity warranting interference by this Court with the order of the learned Judge dated 09.04.2015 made in I.A.Nos.3673 to 3675 of 2015 in O.S.No.6903 of 2010.

10.In the result, these Civil Revision Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed. Since the suit is of the year 2010, the learned Judge is directed to dispose of the suit as expeditiously as possible, in any event not later than three months from the date of receipt of a copy of this order.

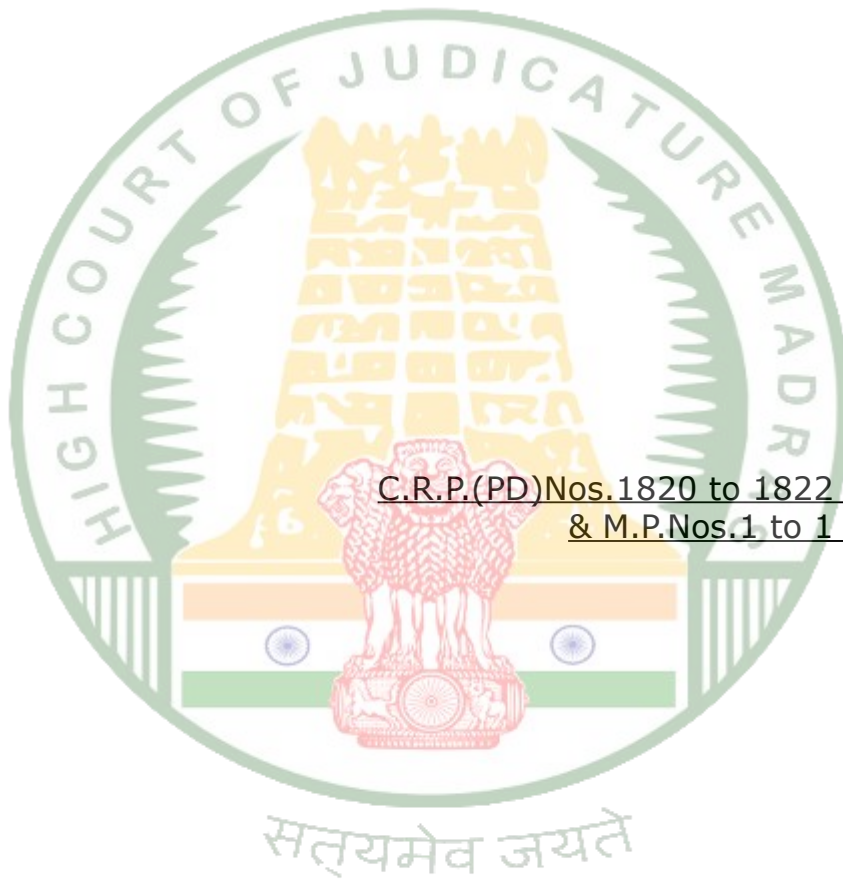
05.03.2018

Index :: Yes/No
gsa

To
The I Additional City Civil Judge,
Chennai.

V.M.VELUMANI,J.

gsa



C.R.P.(PD)Nos.1820 to 1822 of 2015
& M.P.Nos.1 to 1 of 2015

WEB COPY

05.03.2018