

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.04.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(NPD).No.371 to 373 of 2018 and

C.M.P.No.2001 of 2018

P.V.Jayanthi Sundar @ Jayanthi Iyengar

... petitioner

Vs.

1. K.Karthik
2. K.Deepak
both Represented by their Power Agent
Dr.K.Kalaivanan

3. S.Sundar

4. Appa durai
Office at area Division in-charge,
AIADMK Party Mylapor,
Chennai - 600 004.

... Respondents

Prayer: Civil Revision Petitions are filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal orders dated 14.11.2017, 14.12.2017 & 14.11.2017 passed by the learned Judge, XIX Additional City Civil Court, Chennai in CMP Nos.42, 43 of 2016 & 62 of 2015 in A.S.No.363 of 2014 respectively.

For petitioner : Mr.Naveen Kumar

For R1 & R2 : Mr.B.K.Sreenivasan

ORDER

The Civil revision petitions are filed against the fair and decreetal orders dated 14.11.2017, 14.12.2017 & 14.11.2017 passed by the learned Judge, XIX Additional City Civil Court, Chennai in CMP Nos.42, 43 of 2016 & 62 of 2015 in A.S.No.363 of 2014 respectively.

2. The respondents filed the suit against the revision petitioner in O.S.No.866 of 2002. After the full-fledged trial, the suit was decreed.

3. Aggrieved against said decree and judgments dated 28.08.2014, the revision petitioner filed the first appeal in A.S.No.363 of 2014 before the XIX Additional City Civil Court at Chennai. During the pendency of first appeal, the revision petitioner filed two applications in CMP Nos. 42 of 2016 and 62 of 2015 in A.S.No.363 of 2014 for receiving additional documents. After receiving the counter, the first appellate Court dismissed both the Civil Miscellaneous petitions.

4. Aggrieved against the said order passed by the trial Court dated 14.11.2017, once again, the revision petitioner filed yet another application in the very same manner in CMP.No.43 of 2016 in A.S.No.363 of 2014 for receiving additional grounds. The trial Court has dismissed the said Civil Miscellaneous

petition on 14.12.2017.

5. Aggrieved against the said orders, the revision petitioner filed three revision petitions before this Court in CRP Nos.371, 372 and 373 of 2018.

6. Any application filed in respect of either raising additional grounds or to receive additional evidence during the pendency of the appeal, under Order XLI Rule 27 of C.P.C., the said application has to be dealt along with main appeal, whereas in this case, the Appellate Court dealt with all the applications separately and left the main appeal. Even though the order passed by the first appellate Court is perverse, admittedly, after filing the revisions before this Court, the main appeal itself was disposed of by the appellate Court on merits. Since, the main appeal itself disposed of, the revisions itself become infructuous.

7. In the result, all the civil revision petitions are dismissed as infructuous. However, the revision petitioner is at liberty to raise all their grounds before the second appellate Court. Consequently, connected Miscellaneous Petition is closed. No costs.

28.04.2018

Index:Yes/No

Speaking order / Non speaking order
vum

P.VELMURUGAN, J.,

vum

To
The Additional City Civil Court,
Chennai.



C.R.P.(NPD).No.371 to 373 of 2018
& C.M.P.No.2001 of 2018

WEB COPY

28.04.2018