

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 28TH DAY OF AUGUST 2018

THE HON'BLE MR. JUSTICE M.GOVINDARAJ

A.No.6919 of 2017

in

C.S.No.245 of 2015

1. J.Chandrasekaran,  
Proprietor,  
M/s.Jeyavani Ice Unit,  
New No.103, (Old No.25) Kumbalamman Koil Street,  
Tondiarpet, Chennai 600 081. : Plaintiff

Vs

1. Chennai Port Trust,  
Rep.by its Chairman,  
RajajiSalai,  
Chennai - 600 001.

2. Chief Mechanical Engineer,  
Chennai Port Trust,  
RajajiSalai,  
Chennai - 600 001

3.Financial Adviser and Accounts Officer,  
CPT Old Administrative Office (4th Floor),  
Rajaji Salai,  
Chennai 600 001.

4. The Secretary to Government,  
Ministry of Agriculture,  
New Delhi.

5. The Chairman,  
Tamil Nadu Electricity Board,  
(TANGEDCO)  
Anna Salai, Chennai -2.

: Defendants

A.No.6919 of 2017

1. Chennai Port Trust,  
Rep.by its Chairman,  
RajajiSalai,  
Chennai - 600 001.

2. Chief Mechanical Engineer,  
Chennai Port Trust,  
Rajaji Salai,  
Chennai - 600 001

3. Financial Adviser and Accounts Officer,  
CPT Old Administrative Office (4th Floor),  
Rajaji Salai,  
Chennai 600 001.

: Applicant/Defendants

1 to 3

J. Chandrasekaran,  
Proprietor,  
M/s. Jeyavani Ice Unit,  
New No. 103, (Old No. 25) Kumbalamman Koil Street,  
Tondiarpet, Chennai 600 081. :  
Respondent/Plaintiff

Application praying that this Hon'ble Court be  
pleased to receive the Additional Written Statement and  
documents mentioned in the List of Documents.

Application coming on this day before this court for  
hearing the court made the following order:-

The present application has been filed to receive the  
additional written statement and documents.

2. The learned counsel appearing for the applicants  
submitted that after disposal of the Writ Appeal, the  
plaintiff was permitted to file a suit. A particular portion  
was left out in pleadings, that is why, he wants to clarify by  
way of filing the written Statement.

3. Per contra, the learned counsel appearing for the  
respondent submitted that he has made several pleadings in his  
plaint and has marked documents in respect of the very same

issue. He also submitted that the trial has commenced and P.W.1 is in the box. The defendants cross examined P.W.1 in part and at this stage, in order to fill up the lacuna, the applicants seek permission to file the additional written statement and documents.

4. The materials on record shows that the defendants filed their written statement and issues were also framed by this Court. Thereafter trial also has commenced. The plaintiff examined P.W.1 and the defendants cross examined the witness in part. At this stage, the present application has been filed. The affidavit filed in support of the application is very vague and does not spell out any specific reason warranting the filing of additional written statement. As pointed out by the learned counsel for respondent/plaintiff that there are pleadings in respect of the issue which is sought to be clarified. Relevant documents are also available before the Court. Hence, the interference would be that the present application is only to fill up the lacuna or to protract the proceedings. If the application is allowed, it will set the clock back and the trial has to commence afresh.

5. In such circumstances, the application to receive the additional written statement and documents is not sustainable and the trial cannot be interfered at this stage.

6. Therefore, this application is dismissed. It is also open to the defendants to let in evidence and clarify the legal issues through their witnesses.

7. Plot the matter before the Additional Master IV on 10.09.2018, for continuation of trial.

Sd/.M.G.R.J

28.08.2018

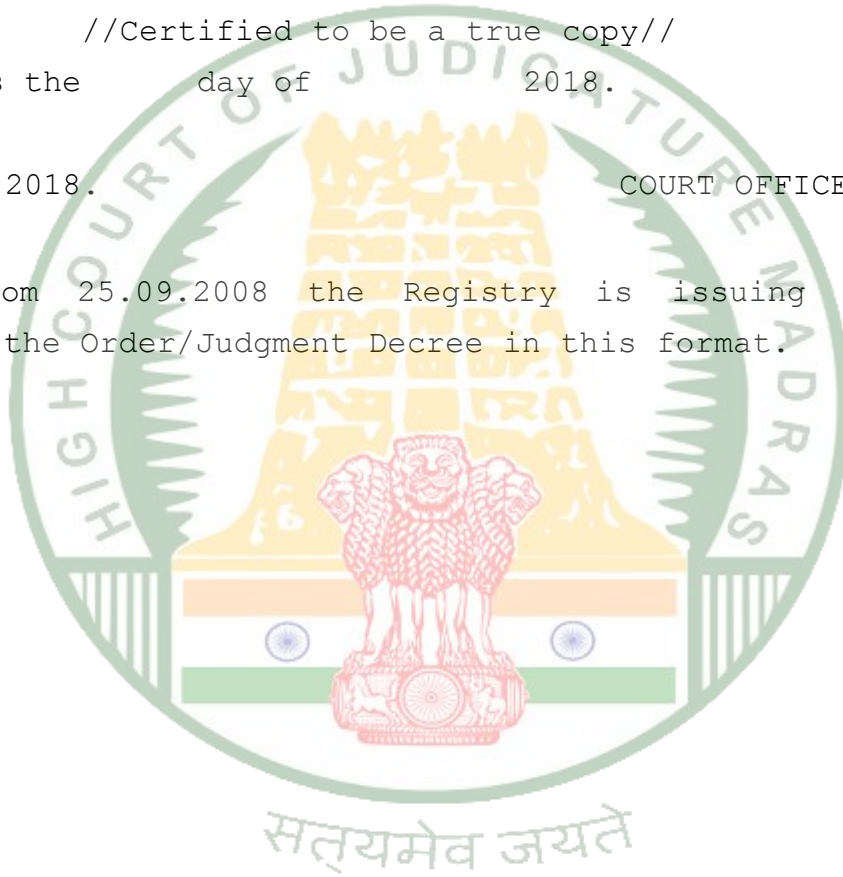
//Certified to be a true copy//

Dated this the                      day of                      2018.

DL/:09.10.2018.

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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