

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.02.2019

CORAM:

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

C.R.P.(NPD) Nos. 21 & 22 of 2008

M.Singamuthu

... Petitioner in both CRPs

v.

K.V.Perumal

... Respondent in both CRPs

Civil Revision Petition No.21/2008 filed under Article 227 of the Constitution of India, against the order dated 05.07.2007 passed in by the IV Additional City Civil Court at Chennai in an unnumbered Civil Miscellaneous Petition filed in A.S.No.513 of 2004.

Civil Revision Petition No.22/2008 filed under Article 227 of the Constitution of India, against the order dated 05.07.2007 passed in by the IV Additional City Civil Court at Chennai in an unnumbered Civil Miscellaneous Petition filed in A.S.No.225 of 2005.

For Petitioner : Mr.P.Sesubalan Raja

For Respondent : Not Ready in Notice

COMMON ORDER

The petitioner, who is the appellant in A.S.Nos.513 of 2004 and 225 of 2005 on the file of IV Additional Judge, City Civil Court, Chennai, has filed the above Civil Revision Petitions, challenging the unnumbered Civil Miscellaneous Petitions in A.S.Nos.513 of 2004 and 225 of 2005.

2. By Common Judgment dated 04.01.2006, the Lower Appellate Court dismissed both the Appeals. Thereafter, the petitioner filed unnumbered Civil Miscellaneous Petitions in both the Appeals praying to re-admit the appeals, which were dismissed for default on 24.01.2006.

3. The learned counsel appearing for the petitioner submitted that instead of mentioning 04.01.2006 in the affidavit and in the Civil Miscellaneous Petitions filed in support of the unnumbered Civil Miscellaneous Petitions, the petitioner has wrongly mentioned the date as 24.01.2006.

4. The Lower Appellate Court, by order dated 05.07.2007, rejected both the unnumbered Civil Miscellaneous Petitions finding that on a perusal of the Diary as well as the Judgment, it was found that the Judgment was pronounced only after a full-fledged hearing.

5. On a perusal of the Common Judgment dated 04.01.2006, in the preamble portion, the Lower Appellate Court has recorded that the Judgment was pronounced after hearing the counsel for the appellant and also the counsel for the respondent in both the Appeals.

6. When the Lower Appellate Court has specifically mentioned that the Judgment was pronounced only after hearing the learned counsel on either side and when the Lower Appellate Court also recorded while rejecting the unnumbered Civil Miscellaneous Petitions to the effect that the Judgment was pronounced only after a full-fledged hearing, this Court cannot interfere in the said order.

7. Since the petitioner has not made out a case for re-hearing the appeals, I do not find any error or irregularity in the order passed by the

Lower Appellate Court. The petitioner instead of filing Civil Miscellaneous Petitions to re-hear the appeals, should have filed appeals as against the Common Judgment passed by the Lower Appellate Court. In such view of the matter, the Civil Revision Petitions are dismissed. No costs.

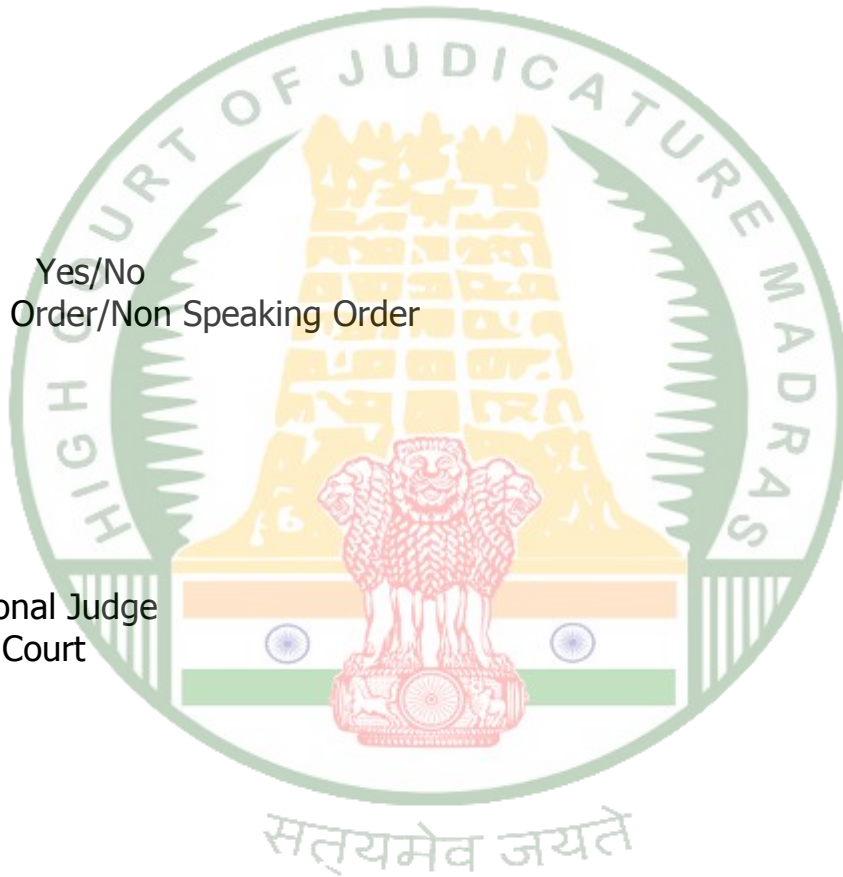
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Index : Yes/No
Speaking Order/Non Speaking Order

Rj

To

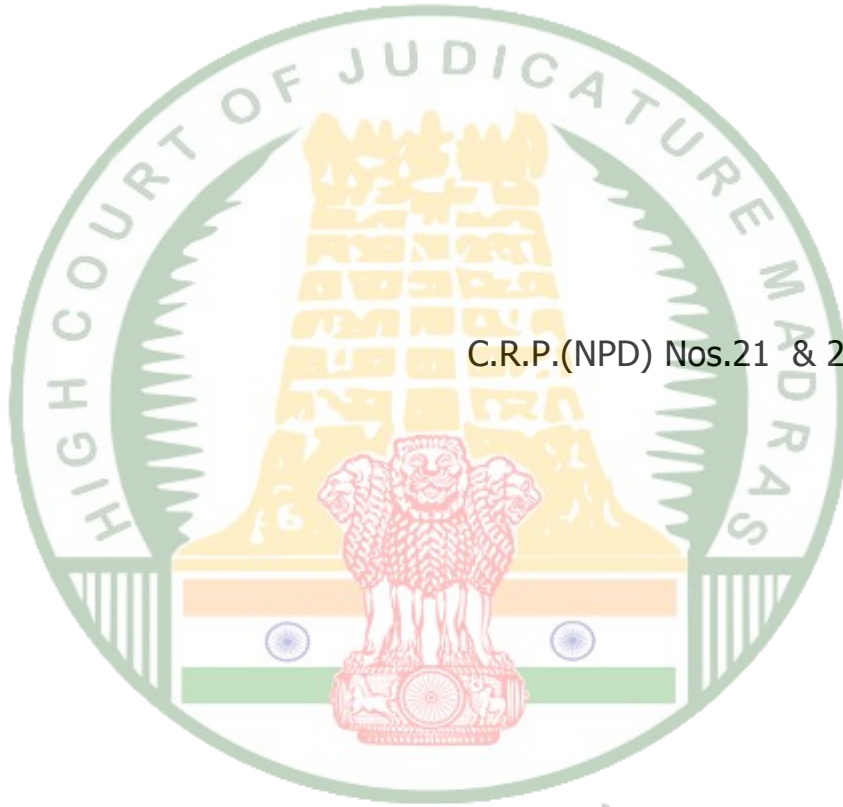
IV Additional Judge
City Civil Court
Chennai



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M. DURAISWAMY,J.

Rj



C.R.P.(NPD) Nos.21 & 22 of 2008

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