

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2019

CORAM :

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.4040 of 2013 and
M.P.No.1 of 2013

P.Sundara Paripooranam

... Petitioner

v.

1. General Manager,
Southern India Region,
Indian Airlines,
No.19, Rukmani Lakshmipathy Salai,
Egmore, Chennai – 8.

2. The Manager,
Indian Airlines Limited,
Madras Airport, Meenambakkam,
Chennai.

3. The Deputy General Manager Commercial,
Indian Airlines, Airlines House,
Meenambakkam, Chennai.

... Respondents

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Civil Revision Petition filed under Article 227 of the Constitution of India,
against the order dated 04.12.2012 made in I.A.No.14549 of 2012 in
O.S.No.10259 of 2010 on the file of the III Additional City Civil Court,
Chennai.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.N.G.R. Prasad

ORDER

Challenging the fair and final order passed in I.A.No.14549 of 2012 in O.S.No.10259 of 2010 on the file of the III Additional Judge, City Civil Court, Chennai, the plaintiff has filed the above Civil Revision Petition.

2. The plaintiff filed the suit in O.S.No.10259 of 2010 for claiming damages of Rs.11,00,000/- from the defendants. The defendants filed their written statement and are contesting the suit.

3. During the pendency of the suit, the plaintiff filed a memo seeking for a decree being passed against the defendants in view of the admission made by the defendants in their letter dated 01.07.2002. The said memo was filed under Order XII Rule 6 of C.P.C.

4. The learned counsel for the respondents-defendants sent a reply stating that though the defendants do not dispute the documents,

yet they would like to admit the documents subject to proof and relevancy of the contents by way of oral evidence.

5. Thereafter, the plaintiff filed an application in I.A.No.14549 of 2012 under Order XVI Rule 1 of C.P.C. to direct the defendants to produce five documents. Out of the 5 documents, documents in Serial Nos. 2, 4 and 5, i.e. the reply sent by the defendants 1 and 3, dated 1.7.2002, 20.07.2002 and 31.07.2002 would be very much available with the plaintiff and there is no necessity for the defendants to produce the same and in respect of the letters sent by the plaintiff to the defendants, i.e. 26.6.2002 and 19.07.2002, are concerned, the plaintiff would be having the office copy with him.

6. It is also pertinent to note that the parties have closed the evidence before the Trial Court. In the event of the plaintiff filing an application to reopen the suit for letting in evidence, in such case, the plaintiff can produce the documents mentioned in the memo filed before the Trial Court along with the acknowledgement cards. However, it is always open to the defendants to let in contra evidence and also object with regard to the admissibility of the contents of the documents. In

such case, I am of the view that the Trial Court has rightly dismissed the application. I do not find any reason to interfere with the order passed by the Trial Court.

With these observations, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

20.09.2019

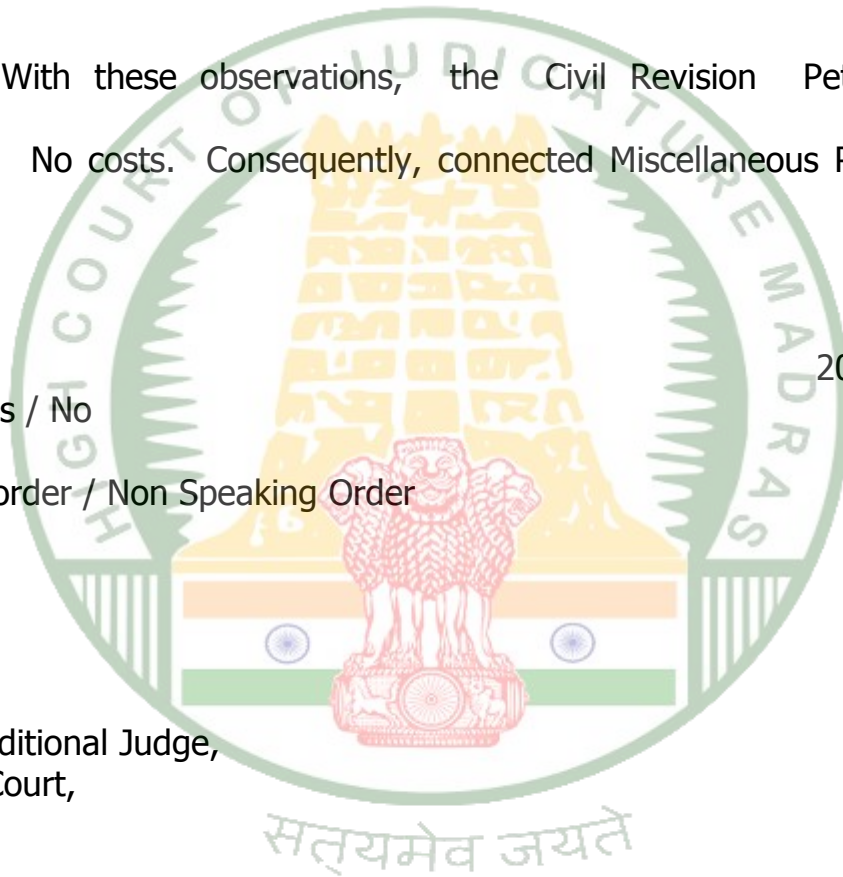
Index : Yes / No

Speaking order / Non Speaking Order

Rj

To

The II Additional Judge,
City Civil Court,
Chennai.

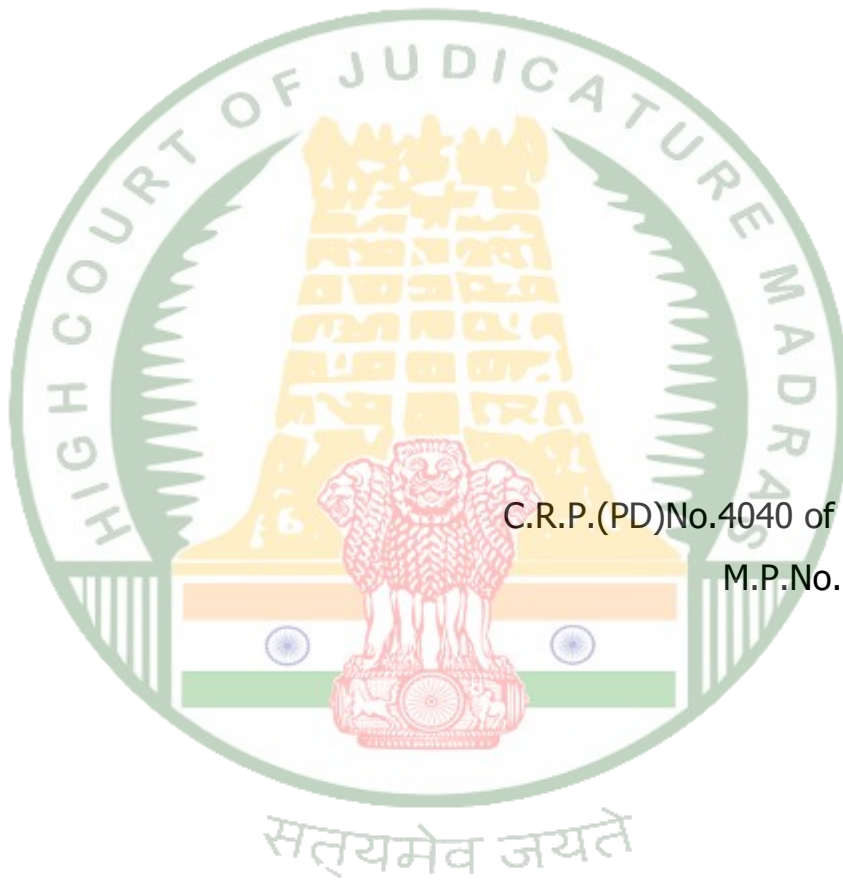


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M.DURAIWAMY, J.

Rj



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