

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2019

CORAM

THE HON'BLE Ms. JUSTICE P.T.ASHA

C.R.P.Nos.1699 to 1701 of 2018

and

CMP.NO.9340 of 2018

M/s.Khivraj Tech Park(P) LTD.,
No.SP-1 T.V.K.Industrial Estate
Guindy
Chennai-600 032.Petitioner in all WPs

Vs

The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai-600 003. Respondent
in all WPs

PRAYER: Civil Revision Petitions are filed under Section 115 of the Code of Civil Procedure, 1908 to set aside the fair and decreetal order dated 13.03.2018 passed in Unnumbered petition in S.R.No.14466,14465,14467 of 2018 in M.T.A.No.7 of 2009 by the Principal Judge, City Civil Court, Chennai.

For Petitioners : Mr.S.P.Vijayaragavan

For Respondents : Mr.Karthika Ashok

O R D E R

The above Civil Revision Petitions have been filed challenging the order passed by the learned Principal Judge, City Civil Court, Chennai. C.R.P.No.1699 of 2018 is filed challenging the order passed in S.R.No.14466 of 2018 and M.T.A.No.7 of 2009. C.R.P.No.1700 of 2018 is filed challenging the order in S.R.No.14465 of 2018 and C.R.P.No.1700 of 2018 is filed challenging the order in S.R.No.14467 of 2018. The petition in S.R.No.14466 of 2018 is filed under the provisions of the Order 6 Rule 17 of the Code of Civil Procedure, 1908 read with Section 151 C.P.C. Consequent to the assessment of the same date

in 2017, S.R.No.14465 of 2018 is filed to amend the relief portion. S.R.No.14467 of 2018 is filed to permit the appellant to produce additional documents. All the applications were dismissed by the learned Principal Judge as not maintainable without even numbering the said applications.

2. The petitioner is seeking to include additional grounds which is not in the original petition and averments have been made that the same is on account of subsequent evidence. Be that as it may, the learned Principal Judge ought to have numbered the said application, given notice to the respondents/corporation and then passed an order after hearing both the parties. Without even numbering the applications, the learned Principal Judge has heard the petitions and simply dismissed the same as not maintainable. The orders impugned are set aside and the applications are restored to file. The learned Principal Judge is directed to number the applications, hear both sides and thereafter, pass orders.

3. The Civil Revision Petitions are allowed. No costs. Consequently, civil miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssb

To

1.The Principal Judge, City Civil Court, Chennai.

2. The Section Officer,
VR Section,
High Court, Madras

+1cc to Mr.S.P.Vijayaragavan , Advocate SR.No. 37381

+3ccs to Mr.Karthika Ashok , Advocate SR.No.
37629,37627,37628

C.R.P.Nos.1699 to 1701 of 2018

nrjk (CO)

A.SK(28/06/2019)

A.SK(10/07/2019)