



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2019

CORAM :

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THE HONOURABLE MRS.JUSTICE **S.RAMATHILAGAM**

CRP (MD) Nos.590 & 591 of 2019

and

C.M.P. (MD) No.2947 of 2019

M/S K.U.Thermal Power Private Ltd Office,
Block C, Ground Floor,
Stem Wood,
Apartment No.14,
Industrial road,
Adjacent to safdarjung Hospital,
New Delhi,
represented by its authorized signatory,
CH.Ramakrishnan

... Petitioner/Petitioner/8th Defendant
in both C.R.Ps.,

vs.

1.Liyakat Alikan ... 1st respondent/1st respondent/Plaintiff
in both C.R.Ps.,

2.Soundrarajan

3.Jeyapandi

4.Velsamy

5.Kandasamy

6.Seeninaicker

7.Soundrapandiyan

... Respondents 2 to 7/Respondents 2 to 7
/Defendants 1 to 7
in both C.R.Ps.,

COMMON PRAYER:- Civil Revision Petitions filed the under Article 227 of the Constitution of India, to set aside order dated 25.01.2019 made in I.A.Nos.1 & 2 of 2019 in O.S.No.214 of 2016 passed by the learned Additional District Munsif, Thoothukudi.

For Petitioner

in both C.R.Ps.,

: Mr.C.Jeganathan

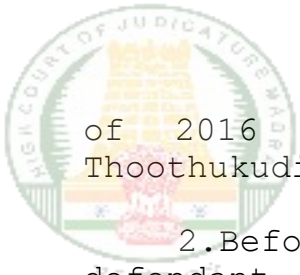
For Respondents

: Mr.V.Angusamy

COMMON ORDER

<https://hcservices.ecourts.gov.in/hcservices/>

These Civil Revision Petitions have been filed to set aside the order dated 25.01.2019 made in I.A.Nos.1 & 2 of 2019 in O.S.No.214



of 2016 passed by the learned Additional District Munsif, Thoothukudi.

2. Before the trial Court, the petitioner herein is the 8th defendant, the first respondent herein is the plaintiff and the respondents 2 to 7 are the defendants 1 to 7. For the sake of convenience, the parties will be referred to as per their rank before the trial Court.

3. I.A.Nos.1 and 2 were filed by the 8th defendant in the suit in O.S.No.214 of 2016, in which, he has stated that he is the authorized person in the main suit and he stated himself the Licensing Officer in his company has passed a resolution on 10.12.2018 to contest the case on behalf of his company. The 8th defendant further contended that the main suit has to be reopened for the purpose of marking of the document. Hence, the purpose of reopening the case is to file the resolution deed dated 10.12.2018 authorizing the 8th defendant to contest the case on behalf of his company.

4. The plaintiff has raised an objection by way of filing his counter affidavit, in which, he has stated that the 8th defendant has not complied with the order of this Court in the memo filed by the plaintiff in I.A.No.372 of 2017 ie., the 8th defendant has not produced the original resolution copy dated 13.04.2011. Hence, the 8th defendant has not furnished any document to show that he is working under the 8th defendant company, whereas, the 8th defendant had filed any affidavit on 24.09.2018 and now he is filing a true copy of resolution dated 10.12.2018, which is contrary to the earlier resolution.

5. After considering the arguments on either side, the trial Court has given a finding that the said resolution dated 10.12.2018 was executed only for the purpose of authorizing the 8th defendant to contest the case. But, the 8th defendant has not produced the original copy of the said resolution dated 10.12.2018. Hence, there is no genuineness or no purpose in filing the said document after the conclusion of the examination since the case is also posted for arguments.

6. The 8th defendant contended that the resolution dated 10.12.2018 was passed when the office was at New Delhi and the said original document was not filed at the first instance and after completion of trial, subsequent resolution was passed at Hyderabad. Hence, the original of the said resolution was not filed at the first instance and the subsequent resolution was passed at Hyderabad in the year 2018.

7. In view of the above, the order dated 25.01.2019 made in I.A.Nos.1 & 2 of 2019 in O.S.No.214 of 2016 passed by the learned Additional District Munsif, Thoothukudi, does not require any interference of this Court and there is no merit in these Civil



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Revision Petitions and the same is dismissed. No costs.
Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

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// True Copy //

Sub Assistant Registrar(CS)

To

The Additional District Munsif,
Thoothukudi.

+1 CC to M/s.V.ANGUSAMY, Advocate in SR-56019

+2 CC to M/s.C.JEGANNATHAN, Advocate IN SR-56332,56333

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MM

PK/27.04.2019 : 3P/5C