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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23..01..2020
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Civil Revision Petition No.117 of 2020
and
C.M.P.No.732 of 2020

Rajiv Gandhi National Institute of Youth Development,
Rep. by its Director,
Pennalur,
Sriperumbudur 602 105.

... Petitioner

-Versus-

M/s. Providers Skill Academy Pvt. Ltd.,
Rep. by its Managing Director,
Mr.K.Sampathkumar
Ganesh Building,
Old No.30, New No.63,
2nd Floor, Venkatanarayana Road,
T.Nagar,
Chennai 600 017.

... Respondent

Petition filed under Article 227 of the Constitution of India, praying to set aside the order dated 12.09.2019 made in I.A.No.32 of 2018 in O.S.No.25 of 2016 by the learned Additional District Munsif, Fast Track Court, Kancheepuram.

For Petitioner : Mr.N.Rajan

ORDER

This civil revision petition is directed against the order passed by the learned Additional District Judge, Fast Track Court, Kancheepuram, dismissing the application filed by the petitioner thereby refusing to stay of the suit proceedings in O.S.No.25 of 2016 pending disposal of a criminal case in C.C.No.14 of 2016 on the file of the learned XIII Addl. Special Court for CBI Cases, Chennai.



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2. The petitioner is the defendant in the suit. According to the respondent/plaintiff, the petitioner had engaged the services of the respondent/plaintiff to impart skill training for the candidates belonging to Scheduled Castes and Schedule Tribes in Professional Course Training by entering into a memorandum of understanding on 25.09.2012. The suit has been filed by the respondent for recovery of a sum of Rs.78,60,000/- towards principal and interest @ 12% as on 09.03.2016 and for future interest which has become due under the contract entered into with the petitioner. According to the petitioner, in the the above contract, a large scale illegality has been committed by the respondent with the connivance of the officials of the petitioner institute. Therefore, CBI has launched a criminal prosecution in which the respondent plaintiff is also arrayed as an accused. After investigation, final report was filed and the case has also been taken in file in C.C.No.14 of 2016 on the file of XIII Additional Special Court for CBI Cases, Chennai and pending. Further according to the petitioner in order to escape from the criminal liability, the present suit has been filed suppressing the pendency of the criminal case pending against the respondent. Since the suit has been filed in total abuse of process of law and there is no cause of auction for the suit, the same cannot be allowed to be proceeded till the disposal of the criminal case, otherwise, the petitioner would be put to face the ordeal of trial unnecessarily. The court below on considering the facts and circumstances of the case, refused to stay the suit proceedings pending criminal case. Aggrieved by the same, the defendant is before this court with this civil revision petition.

3. The learned counsel for the petitioner would submit that the suit has been filed in total abuse of process of law and there is absolutely no cause of auction for the suit and only in order to escape from the criminal liability, the respondent has filed the suit with frivolous allegations against the petitioner. The suit should not be allowed to be proceeded further or other wise the petitioner would be put to face the ordeal of the trial of the suit unnecessarily. If the criminal case ends in conviction, it will have some impact on the decision to be taken in the civil suit. But, the court below without considering the facts and circumstances of the case, has refused to stay the suit proceedings pending criminal case.

4. It is needless to state that the findings of a criminal court will not bind on the civil civil court and the civil court is bound to render its finding based on the evidence both oral and documentary and therefore, this court is of the considered



view that staying the suit proceedings till the disposal of the criminal case pending against the respondent herein would not serve any purpose. Even assuming that there is a direct connection between the suit and the criminal case, the trial of the suit cannot be stayed till the disposal of the criminal proceedings. If at all the petitioner feels that the suit has been filed in total abuse of process of law and there is no cause of action for the suit, it is always open to him to file appropriate application seeking rejection of the plaint. Without availing such recourse, the petitioner cannot seek to stay the suit proceedings pending disposal of the criminal case against the respondent. Thus, this court is of the view that the revision is devoid of merit and the same is liable only to be dismissed.

In the result, the civil revision petition is dismissed. No costs. Consequently, connected CMP is closed.

s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

kmk

To

1.The Additional District Munsif, Fast Track Court,
Kancheepuram.

+1 cc to Mr.N.Rajan Advocate sr4604

C.R.P.No.117 of 2020

aa08/07/2020