

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.R.P.(PD) No.792 of 2012

and

M.P.No.1 of 2012

Mrs.R.Krishnaveni

...Petitioner

..Vs..

B.Ramesh Kumar

...Respondent

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 18.07.2011 on memo in O.S.No.2037 of 2009 on the file of V Assistant City Civil Court at Chennai.

For Petitioner : Mr.G.Ramadurai  
For Respondent : No appearance

O R D E R

The revision petitioner is the tenant in the suit. Respondent is absent.

2. The respondent herein filed a suit for recovery of money due in O.S.No.2037 of 2009 under Order 37 Rule 3 C.P.C.

3. After service of the summons, the revision petitioner/defendant filed I.A.No.16062 of 2009 leave to sue and the same was allowed. Thereafter, for 12 hearings, the respondent/plaintiff has not presented himself. Thereupon, he filed the memo calling upon the petitioner/defendant to lead the evidence. The memo was recorded inspite of objection filed by the defendant and the plaintiff's prayer to direct the defendant to lead evidence first has been granted. The defendant has also filed written statement wherein he has also disputed the supply of pens at Madurai and territorial jurisdiction is also disputed. Hence, the issue regarding the territorial jurisdiction has to be decided and hence, the petitioner has to lead evidence. It appears that the trial Court has mechanically taken the case.

4. Hence, in this view of the matter, this Civil Revision Petition is allowed to the limited extent indicated above and the order of the trial Court directing the defendant to lead the evidence is set aside and the trial Court is directed to follow the procedures in C.P.C and dispose of the suit. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index:Yes/No

Speaking Order:Yes/No

To

The V Assistant Judge, City Civil Court, at Chennai.

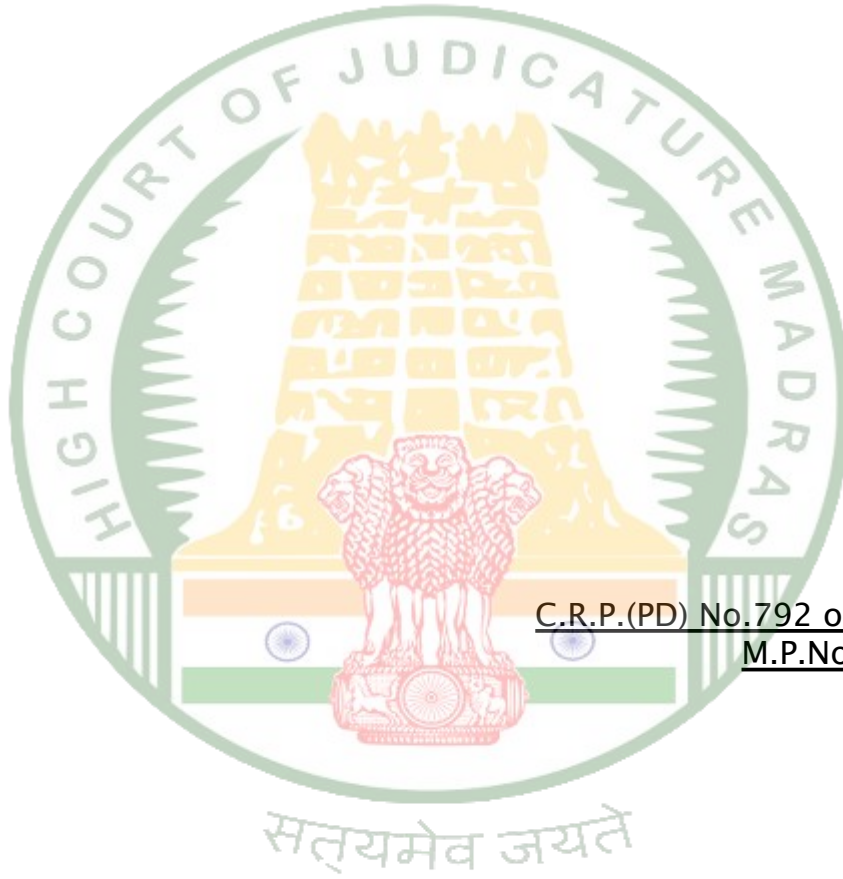


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RMT.TEEKAA RAMAN,J.,

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