



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

C.R.P. (PD) (MD)Nos.1670 & 1671 of 2013

and

M.P. (MD)No.2 of 2013

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R.Raja Rajagopal Thondaiman ... Petitioner in both revisions

vs.

1.M/s.Hindustan Petroleum Corporation Ltd.,

Registered Office at No.17

Jameshedji Tata Road

Mumbai 400 020

...Respondent No.1 in both revisions

2.The Chief Regional Manager

M/s.Hindustan Petroleum Corporation Limited

Madurai Regional Office

Plot No.167-171, Sidco Industrial Estate

South Phase

Kappalur, Madurai 625 008

... Respondent No.2 in C.R.P.No.1670 /2013

3.The Chief Regional Manager

M/s.Hindustan Petroleum Corporation Limited

(Then Regional Madurai Regional Office at Madurai)

Now Regional Office at Contontment

Trichy

... Respondent No.2 in C.R.P.No.1671 /2013

COMMON PRAYER: These Civil Revision Petitions have been filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 30.08.2012 in I.A.Nos.737 of 2011 and 896 of 2012 in O.S.No.220 of 2004 on the file of the District Munsif, Pudukkottai.

In both revisions:

For Petitioner

: Mr.K.Govindarajan

For R2

: Mr.M.Sridharan

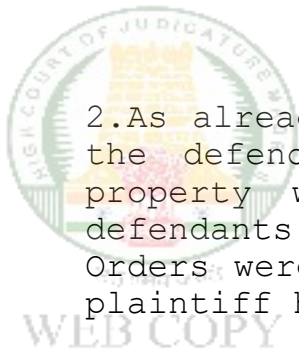
For R1

No Appearance

COMMON ORDER

This Court intends to open this case with prelude statement:

A suit in O.S.No.220 of 2004 was laid for recovery of the suit property after terminating the lease standing in favour of the defendants. It is now 16 years since an institution of the suit, and possibly pendency of these two revisions have added to this pendency by around 7 years.



2.As already indicated, the plaintiff terminated the lease given to the defendants and sought delivery of vacant possession of the property with *mesne* profits. In this, both the plaintiff and defendants have filed two separate Interlocutory Applications. Orders were pronounced in both against the plaintiff and hence, the plaintiff has come forward with these two revisions.

3. C.R.P(MD).No.1670 of 2013:

This revision was filed by the plaintiff challenging an order dismissed in I.A.No.737 of 2011 filed by him to recall himself as P.W.1 to produce certain evidence. It was indicated that earlier the plaintiff had filed I.A.No.361 of 2004 requiring the defendants/respondents herein to produce some documents. Those documents, however, were not produced. This petition came to be dismissed on the ground that the plaintiff has not indicated the nature of evidence which he intends to produce.

4.This Court is not entirely impressed with the way the trial Court has dealt with the matter. The trial Court should always provide greater latitude during trial proceedings since it is the first Court of facts, and the parties must be granted optimum facility to present their cases. A petition to re-call the witness may be rejected only when the Court finds that it is intended to deliberately delay and defeat expeditious trial. So far as the present case is concerned, it is not likely that the plaintiff would be interested in dragging on the matter, since he as a lessor would only be anxious to have the suit property delivered him at the very earliest. It is important that the trial Court should realize that the Courts do not exist for disciplining the litigants but for rendering justice. This Court, therefore, finds every reason to interfere with the impugned order of the Court below.

5.Accordingly, the revision petition is allowed and the order passed in I.A.No.737 of 2011 dated 30.08.202 is set aside. No costs. Consequently, connected miscellaneous petition is closed.

6. C.R.P(MD).No.1671 of 2013:

This revision arises out of an order allowing I.A.No.896 of 2012 filed by the defendants for depositing the rent. It is obvious that the petition was occasioned because the rent amount was not received by the plaintiff. Whether it is rent or *mesne* profits, ultimately the defendants have to pay some amount to the plaintiff. Inasmuch as the defendants contended that the termination of lease is bad in law, it is entitled to deposit what it considered as rental amount.

7.Heard both sides.

8.This Court does not find that there is any error in the approach of the Court below as to cause prejudice to the plaintiff. Necessarily, interference of this Court is not called for in



exercising its extra-ordinary power under Article 227 of the Constitution of India.

9. In the result, the Civil Revision Petition is dismissed. No costs.

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Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa/CM

To

1.The District Munsif, Pudukkottai

C.R.P. (PD) (MD) No.1670 & 1671 of 2013
and
M.P. (MD) No.2 of 2013
01.09.2020

KB(15.09.2020) 3P 2C