

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No.2324 of 2018

and

CMP.Mo.14439 of 2018

St.George's Homes Society and
Laidlaw Memorial School and Junior
College, Represented by its Secretary,
and present incumbent being Gorden Grub
Ketti Post, Nilgris District – 643 215.

..Petitioner

Vs.

1. Mr.Allan Oakley

2. Norman J Wood

3. Christopher Hawkes

4. Jennifer Grubb

5. Michael Hawkes

6. Lorraine Wood

..Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of Constitution of India praying to set aside the fair and decretal order dated 11.06.2018 made in I.A.No.85 of 2018 in O.S.No.16 of 2017 on the file of the Subordinate Judge, Coonoor.

For Petitioner : Mr.A.R.NixonE.K.Kumaresan
For Respondent : Mr.L.Murali Krishnan for R1
No Appearance for R2 to R6

ORDER

This Civil Revision Petition is filed to set aside the fair and decretal order dated 11.06.2018 made in I.A.No.85 of 2018 in O.S.No.16 of 2017 on the file of the Subordinate Judge, Coonoor, thereby dismissing the petition to reject the Exs.A11 to A.20 marked through P.W.2.

2. The petitioner is the first defendant and the first respondent is the plaintiff in the suit. The respondent filed a suit to declare that Annual General Meeting of the first defendant/petitioner conducted on 28.08.2010 as illegal and the election of defendants 2 to 9 as member of Board of Management of the first defendant as illegal and void.

3. The suit was ripe for trial, Exs.A11 to A20 were produced by the P.W.2 who is an independent witness, were marked. Admittedly, at the time of marking those documents, the petitioner did not object the same. Thereafter, the petitioner filed a petition to reject those documents on the ground that the Court below failed to follow the procedure as contemplated

under Order 16 Rule 1 (3) of Code of Civil Procedure. Without seeking any permission from the trial Court, the first respondent produced the independent witness. That apart, the petitioner also failed to cross examine the P.W.2 and the documents (Exs.A11 to A20) which were marked through P.W.2. That apart, admissibility and genuinity of the documents of Exs.A11 to A20 were marked through P.W.2 could be considered only at the time of Judgment. The suit is at the stage of the defendant's side witnesses are in the box. Therefore, this Court finds no infirmity or illegality in the order passed by the Court below.

4. Accordingly, this civil revision petition is dismissed. However, the petitioner is at liberty to cross examine the P.W.2 by way of proper application before the Court below. Further, the Court below is directed to dispose the suit within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. No order as to costs.

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

dh

G.K.ILANTHIRAIYAN,J.

dh

To

The Subordinate Judge,
Coonoor, Nilgiri District.



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