

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

**C.R.P.(P.D) No.2090 of 2021
and
C.M.P.No.15897 of 2021**

Selvam Broilers Private Limited,
By its Administrative partner Dr.P.Selvaraj,
Represented by power agent M.Periyasami,
D.No.46, Gandhi Nagar,
Namakkal Town,
Namakkal District. ...Petitioner

Vs.

1. Triune Organic Chicken Private Limited,
represented by its Administrative Director Unnikrishnan,
D.No.39/2158, Kollanur Plaza near Hotel Avenue Regent,
MG Road, Cochin,
Kerala-682 016.

2. Unnikrishnan

3. Kurian James

4. G.Santhosh Kumar

...Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated

09.04.2021, in I.A.No.8 of 2021 in O.S.No.128 of 2012 on the file of the learned Sessions (Fast Track Mahila) Judge, Namakkal.

For Petitioner : Mr.S.Senthil

ORDER

This Civil Revision Petition is filed to set aside the order dated 09.04.2021, in I.A.No.8 of 2021 in O.S.No.128 of 2012, passed by the learned Sessions (Fast Track Mahila) Judge, Namakkal.

2. The learned counsel for the petitioner submitted that the petitioner filed application in I.A.No.8 of 2021 in O.S.No.128 of 2012, seeking permission to file reply statement. Petitioner filed a suit in O.S.No.128 of 2012 against the respondents for claiming a sum of Rs.29,56,518.64/-. Respondents had created 114 vouchers by forgery and produced it in the Trial Court, which were marked as Ex.B6. The petitioner had already filed reply statement. It is submitted that further reply statement has to be filed and hence, the application in I.A.No.8 of 2021 in O.S.No.128 of 2012 was filed and the said application came to be dismissed on 09.04.2021, by the learned Sessions Judge, Fast Track Mahila Court,

Namakkal. Against the said order, the present Civil Revision Petition is preferred.

3.The learned counsel for the petitioner further submitted that the original 114 vouchers had been filed recently and therefore the aforesaid application has been filed to challenge those 114 vouchers by way of filing second reply statement.

4.Perusal of the order dated 09.04.2021, passed by the learned Sessions Judge, Fast Track Mahila Court, Namakkal, shows that the respondent filed written statement along with the xerox copies of 114 vouchers. Subsequent to filing of written statement by the respondents, petitioner filed a Petition to receive the reply statement in I.A.No.1 of 2019 before the Trial Court. In the reply statement, petitioner has not stated anything about the vouchers. Only after the lapse of seven years, an application in I.A.No.8 of 2021 in O.S.No.128 of 2012 to receive the second reply statement has been filed.

5.It is also seen that the suit in O.S.No.128 of 2012 is pending for the evidence of PW1 in the Trial Court. The learned Sessions Judge, Fast Track Mahila Court, Namakkal, has also explained in detail the proceedings before the Trial Court, “as to how the suit in O.S.No.128 of 2012 was adjourned for several times for examination of petitioner's evidence”. The petitioner has not come forward to produce further evidences and the Trial Court, left with no option, closed the examination of PW1 on 11.11.2020. Then, DW1 was examined on 06.01.2021, and the original vouchers had been produced. Thereafter, the petitioner took several adjournment for cross examination of DW1. On 03.03.2021, the application in I.A.No.8 of 2021 in O.S.No.128 of 2012, was filed by the petitioner seeking permission to receive the reply statement.

6.Taking into the fact that the reply statement was filed subsequent to filing of written statement and that the petitioner had been protracting the trial and the application in I.A.No.8 of 2021 to receive second reply statement was filed after seven years after filing the written statement, the learned Sessions Judge, Fast Track Mahila Court, Namakkal,

dismissed the application in I.A.No.8 of 2021 in O.S.128 of 2012, on 09.04.2021. Therefore, on considering the well considered order passed by the Learned Sessions Judge, Fast Track Mahila Court, Namakkal this court finds no reason to interfere with the order dated 09.04.2021 in I.A.No.8 of 2021 in O.S.No.128 of 2012 and confirms the said order.

7. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

ep/ay

Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No

29.09.2021

To

1. The Sessions (Fast Track Mahila) Judge,
Namakkal.
2. The Section Officer,
VR Section,
High Court of Madras.

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G.CHANDRASEKHARAN.J,

ep



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