



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 16.06.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P. No.2654 of 2019
and
C.M.P.No.17520 of 2019

Mr.S.K.Balaji Sha
Proprietor of M/s.Rekha Fashion ...Petitioner

Vs

M/s.Track Shoes Pvt., Ltd.,
Rep by its Managing Director,
No.4/287, Kundrathur Main Road,
Kovur, Chennai600 122. ...Respondent

Prayer: Civil Revision Petition filed under Article 227 of constitution of India, to set aside the order and decreetal order dated 11.04.2019 passed by the learned XIX Additional Court, (FAC), City Civil Court, Chennai, in charge the learned XVI Additional Judge, City Civil Court, Chennai, in I.A.No.128 of 2018 in O.S.No.3774 of 2017 and allow the above petition in I.A.No.128 of 2018.

For Petitioner : Mr.Nagu Sah.N

For Respondent : Mr.S.Jeevanantham

O R D E R

This civil revision petition has been filed against the order dated 09.04.2019 passed by the learned XIX Additional Judge, City Civil Court, Chennai, in I.A.No.128 of 2018 in O.S.No.3774 of 2017, in and by which, the interlocutory application filed under Order XII Rule 6 CPC came to be allowed.

2. The petitioner is the plaintiff in the suit in O.S.No.3774 of 2017 filed against the respondent/defendant herein for recovery of amount of Rs.21,18,867/- with interest and costs. After filing the suit, it appears that the respondent/defendant filed a written statement. According to the petitioner herein, the respondent/defendant is liable to pay only a sum of Rs.7,34,725/- out of the suit claim. Based on this admission in the written statement, the petitioner/plaintiff has



such order or give such judgment as it may think fit, having regard to such admissions.

(2) Whenever a judgment is pronounced under sub-rule (1) a decree shall be drawn up in accordance with the judgment and the decree shall bear the date on which the judgment was pronounced.

8 . As per the above said rule, the Court may, at any stage, decide as it may think fit, having regard to such admissions. There is no 'shall' prescribed in the code and the same is left to the Court, which is deciding the case and only if the Court may think so, the same can be decided at preliminary stage. As rightly pointed out by the Court below, there are more aspects to be decided and hence, the Court below has dismissed the interlocutory application filed and this Court also finds no good ground to interfere with the same.

9. Accordingly, this civil revision petition is dismissed. It is made clear that the observations made by the Court below as well as this Court does not have any bearing in disposal of the main suit, after full fledged trial. Consequently, connected civil miscellaneous petition is also closed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sbn
To

1. The XIX Additional Judge, (FAC),
City Civil Court, Chennai,

2.The XVI Additional Judge, City Civil Court, Chennai

+1 CC to Mr.N.Nagu Sah, Advocate sr 28331.

+1 CC to Mr.S.Jeevanantham, Advocate sr 28169.

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JPL(CO)
SP(20/07/2021)