



CRP (PD) Nos. 2869 to 2871 of 2021

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.12.2021**

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP (PD) Nos. 2869 to 2871 of 2021

Sree Rajeshwari Mills Limited.,
'B' Unit, Thennangudi,
Thirunallar Commune,
Karaikal

... Petitioner/Petitioner/Plaintiff

Vs

1. Union of India
Rep. by its Chief Secretary
Union Territory of Puducherry.
2. Government of Puducherry
Rep. by its Superintending Engineer – I
Electricity Department, Puducherry.
3. The Executive Engineer – V
Electricity Department
Government of Puducherry
Karaikal

... Respondents/Respondents/Defendants



CRP (PD) Nos. 2869 to 2871 of 2021

PRAYER: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, against the fair and decretal order passed on 09.11.2021 in I.A.No. 5 of 2021 in O.S.No. 9 of 2007 on the file of District Judge, Karaikal.

For Petitioner in
all C.R.Ps. : Mr. A.S.Balaji

COMMON ORDER

These Civil Revision Petitions are against the orders passed in I.A.Nos. 4, 5 & 6 of 2021 in O.S.No. 9 of 2007. These applications are to reopen the evidence of the plaintiff, permit the plaintiff to produce certified copies documents and to recall PW-1 for the purposes of marking the documents.

2. In the suit, the plaintiff/petitioner herein sought for a declaration that the demand raised for electricity charges from December 1989 to March 2007 are illegal invalid and not binding on the plaintiff, a declaration that the plaintiff is entitled to adjustment of the amount paid by them under mistake for the bills between December 1989 and March 2007 for a declaration that the plaintiff has raised a bona fide dispute about the grievance of the correctness of the meters and their readings.



3. The plaint was rejected by the trial Court and on Appeal in A.S.No. 995 of 2005, this Court set aside the order of rejection on 19.03.2005 and directed the trial Court to go into the merits of the claim. Thereafter, the trial commenced and the evidence was completed. It is at that stage, the plaintiff came up with the above three applications seeking to introduce certain documents. The trial Court found that the documents sought to be introduced are only orders in writ petition passed by this Court and certain representations made. It also concluded that those representations, orders in the writ petition are not relevant and germane to the issues raised in the suit. On the above conclusions, the learned Trial Judge dismissed the applications for reception of documents and as a consequence the other two applications were also dismissed.

4. Mr. A.S.Balaji learned counsel appearing for the petitioner would vehemently contend that the trial Court has rejected the application for marking of documents under the wrong impression that the Writ Petition came to be disposed of in the year 2005. According to him, the Writ Petition was disposed of only on 23.07.2018 and the representations were made



based on the orders in the Writ Petition. The prayer in the plaint for declaration regarding the validity of the demand made for electricity charges.

5. The representations do not have anything to do with the prayer.

If the plaintiff is entitled to the prayers on the pleadings and the evidence that has been placed by it, it has to succeed otherwise the plaintiff will fail. The documents are sought to be produced are orders passed in the Writ Petition and request made subsequently. As far as the order passed in the Writ Petition is concerned no permission is required to produce the same since it is an order of this Court and even if the same is not marked as document it can be relied upon by the precedent and the representations will not alter the case of the parties in any manner. Therefore, I do not see any reason to entertain these revisions and these revisions fail and it is accordingly, dismissed. No costs.

6. It is made clear that it will be open to the plaintiff to produce



CRP (PD) Nos. 2869 to 2871 of 2021

the order made in the writ petition dated 23.07.2018 and rely upon it as a precedent though not as a document in the suit.

23.12.2021

vsg

Index: Yes/No

Speaking order / Non speaking order

To:

1. District Court, Karaikal.
2. The Section Officer,
VR Section,
Madras High Court, Chennai.



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CRP (PD) Nos. 2869 to 2871 of 2021

R.SUBRAMANIAN, J.

Vsg

CRP (PD) Nos. 2869 to 2871 of 2021

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