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CRP.PD.Nos.1774, 1776, 1777, 1778 and 1779 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2022

CORAM:

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.R.P.PD.Nos.1774, 1776, 1777, 1778 and 1779 of 2022

and

C.M.P.No.8936 of 2022

G.Ranjit Kumar

... Petitioner in all C.R.Ps.

vs.

1.The Executive Engineer, PWD,
Buildings Division (C and M),
Villupuram.

2.The Superintending Engineer, PWD,
Building Circle (C and M),
Vellore.

3.The Superintending Engineer,
Building (C and M),
Salem-7.

4.The Chief Engineer (PWD),
Building (C and M), Chennai Region,
Public Works Department,
Chepauk, Chennai-5.

5. Collector of Villupuram District,
Collectorate Office Complex,
Villupuram.



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6.Tahsildar,
Taluk Office,
Kallakurichi.

7.Head Master,
Government Higher Secondary School,
Sitheripattu Post,
Sankarapuram Taluk,
Villupuram District.

8. Principal Secretary to Government (PWD),
Secretariat, Fort St.George,
Chennai-9.

9.Principal Secretary to Government,
School Educational Department,
Secretariat, Chennai-9.

... Respondents in all C.R.Ps.

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, against the fair and decreetal order of dismissal passed by the learned Additional District Judge (Fast Track Court), Villupuram in I.A.Nos.8, 6, 10, 7 and 9 of 2021 in O.S.No.19 of 2018 dated 08.02.2022.

For Petitioner
in all C.R.P.(PD)s : Mr.G.Balamanikandan
For Respondents
in all C.R.P.(PD)s : Mr.E.Vijayanand
Additional Government Pleader

ORDER

These Civil Revision Petitions have been preferred challenging the orders of the learned Additional District Judge (Fast Track Court),



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Villupuram in I.A.Nos.8, 6, 10, 7 and 9 of 2021 in O.S.No.19 of 2018 dated

08.02.2022.

2. The Interlocutory Applications are filed for the following reliefs :

- i) to appoint an Advocate Commissioner to take up the original documents to the authorised Forensic Lab to get the expert opinion; and
- ii) to reopen the plaintiff's side evidence ; and
- iii) to produce original despatch register ; and
- iv) to summon the 3rd, 6th and 7th defendant and some officials to give evidence on the plaintiff.
- v) to summon the despatch clerk, who was the marker of Ex.B26 document in order to examine the plaintiff side.

3. Since the learned trial Judge dismissed the above petitions, the revision petitioner/plaintiff has preferred these revision petitions.

4. The learned counsel for the petitioner/plaintiff submitted that the suit has been filed for the relief of declaring the termination Order dated 19.09.2013 and 03.07.2015 as void and illegal and for other reliefs; the



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petitioner did not affix his signature in the Despatch Register and acknowledgement card dated 07.07.2015, but, the defendants claim so; therefore, the plaintiff has filed these petitions at the time of arguments, after the completion of both side evidence; the further contention of the learned counsel for the petitioner/plaintiff is that defendants 3, 6 and 7 are omitted to be examined and hence the petition is filed to summon them for the purpose of examination.

5. So far as, the petitions to summon the defendants 3, 6 and 7 are concerned, if the defendants withheld their examinations, despite their examination of those defendants is necessary to prove certain material aspects of their case. In such case, the plaintiff is at liberty to pray the Court to take adverse presumption. So, summoning the defendants 3, 6 and 7 for examining them will not serve any fruitful purpose and their oral evidence is not necessary, especially, when the case is contested on the basis of the documents.

6. With regard to Ex.B26 Despatch Register, the revision petitioner/plaintiff wanted to examine the clerk with regard to the date of



despatch. It is the contention of the petitioner that the days have been wrongly entered as per the whims and fancies of the defendants in the Despatch Register. Summoning a person from the Department, who is the author of Ex.B26 document also will not serve any useful purpose. Because being the author of the documents, he would only say what is seen in the documents was written by him.

7. The further contention of the petitioner is that in the acknowledgement card, the revision petitioner/plaintiff did not affix his signature and it is a forged one. In the acknowledgement cards are returned by the postman after serving the letters. Even if the petitioner claims that the signature in the acknowledgement cards are forged as stated, allegations cannot be raised against the defendants who did not have any control over acknowledgment cards and that too in the absence of any pleadings that there is collusion with the postman.

8. When the Court declines to send the document for comparison and get expert opinion, the service of the Advocate Commissioner is also not necessary. Since the petitions filed by the petitioner are dismissed,



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reopening the plaintiff's side evidence cannot be of any consequence.

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9. The learned trial Judge has rightly appreciated the merits of these petitions filed at the stage of arguments and has chosen to dismiss the same. Hence, I find no reason for interference.

10. In the result, the Civil Revision Petitions are dismissed and the fair and decretal orders of dismissal passed by the learned Additional District Judge (Fast Track Court), Villupuram in I.A.Nos.8, 6, 10, 7 and 9 of 2021 in O.S.No.19 of 2018 dated 08.02.2022, is hereby confirmed. No costs. Consequently, the connected civil miscellaneous petition is closed.

13.06.2022

Index:Yes / No
Speaking Order : Yes / No
ssn



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To

1. Additional District Judge (Fast Track Court),
Villupuram.

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Buildings Division (C and M),
Villupuram.

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Vellore.

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R.N.MANJULA, J.,

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