



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.03.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S.ANANTHI

C.R.P(MD).No.1326 of 2021

and

C.M.P(MD).No.7623 of 2021

1.Dominic
2.J.Harry & Co.,
Throuh its Authorized Signatory,
Mr.Dominic. ...Petitioners/Defendants

Vs.

Pradeep Kumbhat ...Respondent/Plaintiff

PRAYER : This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal dated 08-01-2021 passed by the Additional District Munsif, Thoothukudi in I.A.No.1 of 2019 in O.S.No.24 of 2016.

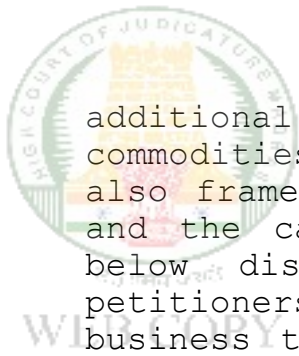
For Petitioners : Mr.L.Jeen Felix
For Respondent : Mr.P.Suresh

O R D E R

This Civil Revision Petition has been filed to set aside the fair and decreetal dated 08-01-2021 passed by the Additional District Munsif Court, Thoothukudi in I.A.No.1 of 2019 in O.S.No.24 of 2016.

2.I.A.No.1 of 2019 was filed by the revision petitioners/defendants under Order 8 Rule 6A of CPC., to receive additional written statement and counter claim, which was dismissed by the learned Additional District Munsif, Thoothukudi. Aggrieved by the said order, they have filed this Civil Revision Petition.

3.A perusal of records would show that the revision petitioners/defendants have filed a written statement on 05.07.2016 stating that there is a business transaction between the petitioners and respondent. The respondent supplied inferior quality products to the petitioners. Hence, the petitioners rejected the commodity in order to safeguard the respondents reputation and goodwill. However, the learned trial Judge observed that the petitioners should have taken steps to file written statement with counter claim at earlier stage of the suit. Instead, they have filed an



additional written statement with counter claim to receive the commodities only after the plaintiff filed a suit and issues were also framed for trial on 16.08.2016 and PW1 was examined in chief and the case was posted for cross examination. Hence, the Court below dismissed the said petition on the ground that the petitioners/defendants should prove their case that there is a business transaction and the cheques were issued for the business transaction only through evidence. At this stage, the additional written statement with counter claim cannot be entertained. Therefore, the trial Court has rightly dismissed the said I.A.No.1 of 2019 and looked at from any angle, this Court finds no valid reason to interfere with the order of the Court below.

4.In view of the above, the Civil Revision Petition is dismissed and the order dated 08.01.2021 made in I.A.No.1 of 2019 in O.S.No.24 of 2016 passed by the learned Additional District Munsif, Thoothukudi, is hereby confirmed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Protocol)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

To

The Additional District Munsif ,
Thoothukudi.

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-12254[F] dated 15/03/2022)

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-12356[F] dated 16/03/2022)

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and
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KM(CO)

KB(25.04.2022) 2P 4C