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CRP No.3622 of 2023
and CMP.No.22686 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.10.2023

CORAM :

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

C.R.P.No.3622 of 2023
and
CMP.No.22686 of 2023

Rajesh Mirajker

... Petitioner

Versus

M/s.Renault Nissan Technology &
Business Centre Indian Private Ltd.,
Represented by its Authorized Representative
Ascendas IT Park,
Mahindra World City SEZ
Plot No.TP 2/1 Natham Sub Post Office,
Chengalpattu-603 004.

...Respondent

Civil Revision Petition filed Under Article 227 of Constitution of India, praying to set aside the order dated 23.08.2023 made in I.A.No.3 of 2023 in O.S.No.8016 of 2021 passed by the XXIII Additional City Civil Court, Chennai.

For Petitioner : Mrs. Srimathi. V

ORDER

The petitioner has filed this petition, to set aside the order dated 23.08.2023 made in I.A.No.3 of 2023 in O.S.No.8016 of 2021 passed by the XXIII Additional City Civil Court, Chennai.



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2. The learned counsel for the revision petitioner submitted that after completion of the evidence before the trial Court, he filed an application in I.A.No.3 of 2023 in O.S.No.8016 of 2021, under Section 151 of CPC r/w Section 65-B Indian Evidence Act to eschew the evidence of P.W.1 in respect of the documents filed as Ex.A5 and Ex.A7 in the suit. The said application was contested by the plaintiff. Thereafter, on hearing both sides the learned trial Judge dismissed the said application holding that after completion of the evidence, the petition filed by the defendant to eschew the evidence as such is not acceptable, they are not entitled to the relief sought, after completion of the trial. He further submitted that E.Mail communication pertains to the 3rd party marked as exhibits Ex.A5 to Ex.A7, before the trial Court, so he filed application to revisit the fact of the evidence marked in Ex.A5 to A7. But the learned trial Judge without appreciating the said aspect erroneously dismissed the application. Challenging, the said findings of the learned trial Judge, the revision petitioner has preferred this revision.

3. Admittedly, during the evidence of P.W.1, E-Mail communications were marked as Ex.A5 to Ex.A7 with the satisfaction of Section 65 B of Indian Evidence Act. Now, both side evidences were recorded and posted for



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arguments. At that time, the application to eschew the evidence of P.W.1 in respect of both documents is not sustainable in law.

4. But the learned counsel admits that the said documents were marked but mere marking of the documents will not tantamount to accepting the fact. It is admitted that the evidence is closed and the documents also marked on the side of the defendant, but the defendant has not raised any objection at the time of marking of the particular document before the learned trial Judge. Hence needs no interference of the findings of the trial Court. However, the learned trial Judge is directed to give findings in respect of the documents Ex.A5 to Ex.A7 about its credibility.

5. Accordingly, this Civil Revision petition is Closed. Consequently, connected Miscellaneous petition is closed. No Costs.

06.10.2023

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation: Yes/No

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T.V.THAMILSELVI, J.

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To

- 1.The XXIII Additional City Civil Court, Chennai.
- 2.The Section Officer,
VR-Section, High Court of Madras.

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