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CRP Nos.2186 & 2187 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.08.2023

CORAM :

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

Civil Revision Petition Nos.2186 & 2187 of 2017

K.Kothandaraman

... Petitioner in CRP.No.2186

K.Janardhanan

... Petitioner in CRP.No.2187

Versus

General Manager
E.I.D.Parry (India) Ltd.,
Nellikuppam,
Panruti Taluk,
Cuddalore District

...Respondent in both CRPs

Prayer in CRP.No.2186 of 2017: Civil Revision Petition filed Under Section 115 of the Civil Procedure Code, praying to set aside the fair and decretal order dated 22.11.2016 passed in S.C.No.1 of 2006 on the file of the District Munsif Court, Panruti.

Prayer in CRP.No.2187 of 2017: Civil Revision Petition filed Under Section 115 of the Civil Procedure Code, praying to set aside the fair and decretal order dated 22.11.2016 passed in S.C.No.3 of 2005 on the file of the District Munsif Court, Panruti.

For Petitioner in both CRPs : Mr. R. Gururaj

For Respondent in both CRPs : Mr. R. Parthasarathy



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ORDER

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2. Heard, Mr. R. Gururaj, learned counsel for the revision petitioners and Mr. R. Parthasarathy, learned Counsel for the respondent and perused the materials available on record.

3. The petitioners are the plaintiff in SC. No. 3 of 2005 and S.C.No.1 of 2006 on the file of District Munsiff Court, Panruti and both the plaintiffs are brothers.

4. The petitioners have filed a suit against the defendant / respondent praying for recovery of money with interest by contending that they have supplied Sugarcane to the defendant during the year 2002 to 2004. It is further contended that the defendant ought to have made the payment within 14 days from supplying of the sugarcane, but it was not complied with. In spite of the oral representation, the defendant did not comply with the claim and therefore, they issued a notice, claiming interest for the delayed period. Therefore, the



suit was filed for recovery of interest for the delayed payment from the defendant/E.I.D.Parry (India) Ltd.

5. The defendant denied the plaintiffs' claim stating that the suit as such is not maintainable before the Civil Court and as per clause 3(8) of Sugar Cane Control Order 1966, for any non compliance or default in payment, the claimant has to approach the Collector of the District. Instead of approaching the District Collector the present suit was filed by the plaintiffs as such it is not valid. Besides the defendant made the payment without any delay and prayed to dismiss the suit.

6. On hearing both sides, the learned trial Judge finally held that the plaintiffs have not explained the delay properly. Further, as per Sec 3(8) of Sugarcane Control Order 1966, plaintiffs ought to have approached the District collector for proper remedy. Accordingly the suit was dismissed, against which the revisions have been preferred by the plaintiffs.

7. The learned counsel for the revision petitioners submit that the petitioners are not the member of any of the Co-operative Society and as individuals they supplied Sugarcane. After effecting supply, the defendant has



not made payment within the stipulated period and therefore, they are entitled to claim the interest for default period from the defendant, for which they rightly approach the trial Court. The learned trial Judge erroneously dismissed the claim, hence he prayed to set aside the findings of the trial Court.

8. The learned counsel for the respondent submitted that the respondent did not commit any default in payment and if at all any default is committed the plaintiff ought to have approach the District Collector of Cuddalore, as per Section 3(8) Sugarcane Control Order 1966 and therefore, the learned trial Judge rightly dismissed the suit.

9. Considering both sides submissions and on a perusal of the records it reveals that, both the plaintiffs had approached the Court for recovery of the interest for the delayed payment of the Sugarcane supplied by them to the defendant company. The learned trial Judge observed that the plaintiffs have not proved on which date they supplied the Sugar Cane, when the defendant denied the supply of the Sugarcane by the plaintiffs. Even otherwise, for the delayed payment, the plaintiffs are entitled to claim interest, but as per the Section 3(8) Sugarcane Control Order 1966, the District Collector of Cuddalore alone is empowered to pass order to that effect.



WEB COPY10. Furthermore, the intention of the Sugar Cane Control Order 1966 is to avoid unjust delay in making the payment and to avoid loss to the farmers who supplies the same. In this case, as per the requirement of the defendant company, the plaintiffs supplied sugarcane during the year 2002 to 2004 to the defendant. But within 14 days it is alleged that the defendant did not pay. According to the plaintiff there was a delay, so they filed the suit for recovery of interest for the delayed period. But, as per the Section 3(8) of the Sugarcane Control Order 1966, in order to get remedy quickly, it is for the plaintiffs/revision petitioners to approach the District Collector or concerned authority of the District and without doing so, the plaintiffs cannot agitate the issue by filing the suit. Therefore, this Court is of the view that the plaintiffs are entitle to approach the Collector, Cuddalore in which the defendant factory is located. If there is any amount payable by the defendant, the District Collector can, adjudicate the claim of the plaintiffs after affording the plaintiff and defendant sufficient opportunity. Thereafter, the District Collector shall issue a certificate specifying the amount of price of sugarcane and interest due thereon to the producer of sugarcane or his agent for its recovery as arrears of the land revenue.



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11. Accordingly, liberty is given to the petitioners to approach the District Collector, Cuddalore for proper remedy and if any such application/revision is filed by the plaintiffs, the District Collector, Cuddalore shall dispose of the same in a manner known to law as expeditiously as possible.

12. In view of the above, these Civil Revision Petitions are disposed of.
No Costs.

29.08.2023

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

- 1.The District Munsif Court, Panruti.
- 2.The Section Officer,
VR-Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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