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C.R.P.(PD).No.2089 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.2089 of 2021

and

C.M.P.No.15896 of 2021

M/s.Chennai Cybercity Private Limited,
103, Classic Garden, Kurusamynagar,
II Street, Rajiv Gandhi Salai, (OMR),
Sholinganallur,
Chennai – 600 119
Represented by its Authorised Signatory
Mr.Selvakumar

... Petitioner

VS

1.R.Gubendran

2.G.Sarasu @ Saraswathi

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order of the fair and Decreetal order dated 10.03.2020 in I.A.No.744 of 2019 in O.S.No.398 of 2014 on the file of the Additional District Munsif at Alandur.



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For Petitioner : Mr.C.Kathiravan

For Respondents : Mr.N.Selvaraju

ORDER

The Civil Revision Petition is filed challenging the order passed by the Court below dismissing the petition filed by the revision petitioner to permit one G.Selvakumar to represent the petitioner-Company and to give evidence on behalf of the petitioner-Company.

2. The petitioner herein filed a suit seeking declaration that Settlement Deed dated 28.06.2007 registered as Document No.3814 of 2007 on the file of the Sub Registrar Office, Neelankarai was illegal, null and void. The petitioner also sought for permanent injunction restraining the defendants from interfering with its peaceful possession and enjoyment of the suit property apart from injunction against alienation. In the plaint, the petitioner was represented by one N.Chinni Krishnan. In the affidavit filed in support of the present application, it was stated that above said K.Chinni Krishnan resigned from the company and as a consequence, the petitioner-Company



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authorised G.Selva Kumar through its Board Resolution dated 06.03.2018 to represent the Company in the above suit. Therefore, the instant application has been filed seeking necessary permission to permit G.Selvakumar to represent the petitioner-Company and give evidence on its behalf. The said application was dismissed by the Court below mainly on the ground that the petitioner failed to produce the copy of the Resolution dated 06.03.2018 in support of its claim.

3. Now, in the typed-set of papers dated 04th January, 2020 filed by the petitioner, the Resolution of the Board dated 06.03.2018 is included. However, the petitioner is not entitled to rely on a document, which was not filed before the Court below. Therefore, this Court is not inclined to pass any positive order in favour of the petitioner based on the copy of the resolution furnished in the typed-set of papers. However, in the interest of justice, the order impugned is set aside to enable the petitioner to file the copy of Board Resolution dated 06.03.2018 before the Court below in support of its prayer in the interlocutory application.



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4. Accordingly, the impugned order is set aside and the matter is remanded back to the file of the Additional District Munsif, Alandur with a direction to consider the interlocutory application filed by the petitioner in I.A.No.744 of 2019 afresh after giving opportunity to the petitioner as well as respondents to file necessary document in support of their claim.

5. With this observation, the Civil Revision Petition is allowed. No costs. Consequently, the connected civil miscellaneous petition is closed.

04.01.2024

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

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The Additional District Munsif,
Alandur.



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S.SOUNTHAR, J.

dm

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