



C.R.P.(PD).Nos.368 and 3110 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM:

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).Nos.368 and 3110 of 2023
and C.M.P.Nos.3041 and 19256 of 2023

C.R.P.(PD).No.368/2023:

R.Vinod Kumar

... Petitioner

VS

1.Prof.S.Suresh
Honorary Secretary,
The Voluntary Health Services,
Rajiv Gandhi Salai,
T.T.T.I. Post, Taramani,
Chennai – 600 113

2.The Voluntary Health Services,
Rep. by Dr.Joseph D Williams,
Director – Projects,
Rajiv Gandhi Salai,
T.T.T.I. Post, Taramani,
Chennai – 600 113.

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside Order dated 25.01.2023 passed by the XX Assistant City Civil Court, Chennai in I.A.No.2 of 2022 in O.S.No.6344 of 2019.



C.R.P.(PD).Nos.368 and 3110 of 2023

C.R.P.(PD).No.3110/2023:

WEB COPY

T.D.Rajeenald

... Petitioner

VS

1.Prof.S.Suresh
Honorary Secretary,
The Voluntary Health Services,
Rajiv Gandhi Salai,
T.T.T.I. Post, Taramani,
Chennai – 600 113

2.The Voluntary Health Services,
Rep. by Dr.Joseph D Williams,
Director – Projects,
Rajiv Gandhi Salai,
T.T.T.I. Post, Taramani,
Chennai – 600 113.

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside Order dated 28.06.2023 passed by the XI Assistant City Civil Court, Chennai in I.A.No.2 of 2023 in O.S.No.8444 of 2019.

For Petitioners : Mr.T.R.Sathiyamohan
(in both CRPs)

For Respondents : Mr.K.Shakespeare
(in both CRPs)

COMMON ORDER



C.R.P.(PD).Nos.368 and 3110 of 2023

WEB COPY The Civil Revision Petition in C.R.P.(PD).No.368 of 2023 arises against the dismissal of the petition filed under Order XVI Rule 6 of the Code of Civil Procedure by the learned XXI Assistant Judge, [XX Assistant City Civil Court (FAC)], Chennai in I.A.No.2 of 2022 in O.S.No.6344 of 2019, dated 25.01.2023.

2. The Civil Revision Petition in C.R.P.(PD).No.3110 of 2023 arises against the dismissal of the petition filed under Order XVI Rule 6 of the Code of Civil Procedure by the learned XI Assistant Judge, City Civil Court, Chennai in I.A.No.2 of 2023 in O.S.No.8444 of 2019, dated 28.06.2023.

3. The suits have been presented by the former employees of the defendants. It is the case of the plaintiffs that they were engaged for performing project work by the defendants. Their project team consisted of 15 persons. According to them, due to non-availability of funds, the salary of the entire staff was not paid from June 2018 to December 2018. Even though, they continued to perform their work regularly. As there were dues, they came



C.R.P.(PD).Nos.368 and 3110 of 2023

forward with the suits for recovery of money.

WEB COPY

4. On summons being served, the defendants entered appearance. Their short case is that 67 persons had been employed as ad-hoc employees. Out of 67 persons, except the plaintiffs and one other employee namely Mr.K.Pramod, the other 64 employees received the salary payable for the period from 1st June, 2018 to 31st December, 2018. They would plead that the plaintiffs had not been engaged between the period from 1st June, 2018 to 31st December, 2018 and since there was no contractual or employer/employee relationship, the defendants are not liable to pay to the plaintiffs any sums of money.

5. After the evidence had been recorded, the plaintiffs in order to substantiate the fact that the salaries were not paid month-on-month, took out the applications in I.A.No.2 of 2022 in O.S.No.6344 of 2019 and I.A.No.2 of 2023 in O.S.No.8444 of 2019 on the file of the learned XXI Assistant Judge, XX Assistant City Civil Court, Chennai and XI Assistant Judge, City Civil Court, Chennai respectively. Both the applications came to be dismissed by



C.R.P.(PD).Nos.368 and 3110 of 2023

the respective Courts on 25.01.2023 and 28.06.2023, against which, the present civil revisions.

6. Heard Mr.T.R.Sathiyamohan, learned counsel appearing for the petitioners and Mr.K.Shakespeare, learned counsel appearing for the respondents.

7. During the course of arguments, it has been brought forth before this Court that in a similar suit filed by another employee by name Mr.K.Pramod in O.S.No.6664 of 2019 on the file of learned XIX Additional Judge, City Civil Court, Chennai, a similar application was taken out and it came to be allowed by the Trial Court. On the basis of summons that had been issued by the Trial Judge, the records that was sought for by the plaintiffs in these two suits have already been exhibited before the learned XIX Additional Judge, City Civil Court, Chennai. Therefore, there is no necessity to summon the very same record all over again in these suits.



8. Suffice it to hold that the plaintiffs in these two suits will be entitled to produce the certified copy of the records produced by the Bank Manager, Indian Overseas Bank, Taramani, Chennai pursuant to the order passed by the learned XIX Additional Judge, City Civil Court, Chennai in I.A.No.3 of 2023 in O.S.No.6664 of 2019 before the learned XXI Assistant Judge, [XX Assistant City Civil Court (FAC)], Chennai and XI Assistant Judge, City Civil Court at Chennai. If the certified copies of records are produced, Mr.K.Shakespeare, states that he has no objection for it to be received subject to relevancy.

9. In fine, the plaintiffs in both the suits are entitled to apply for certified copy of the documents produced by the Bank Manager, Indian Overseas Bank, Taramani, Chennai in O.S.No.6664 of 2019 and exhibit the same in their respective suits. That would put an end to the controversy in these revisions.

10. With the above observation, the Civil Revision Petitions are



C.R.P.(PD).Nos.368 and 3110 of 2023

disposed. There shall be no order as to costs. Consequently, the connected

civil miscellaneous petitions are closed.

10.07.2024

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

dm

To

1.The XX Assistant City Civil Court,
Chennai.

2.The XI Assistant City Civil Court,
Chennai.



WEB COPY



C.R.P.(PD).Nos.368 and 3110 of 2023

V.LAKSHMINARAYANAN, J.

dm

C.R.P.(PD).Nos.368 and 3110 of 2023

10.07.2024