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C.R.P.(PD).No.2754 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD). No.2754 of 2024

Chief Engineer, M/s. Deen Bandhu
Chhotu Ram Thermal Power Station,
(A Unit of Haryana Power Generation Corporation Ltd.),
Yamunanagar, Haryana – 135 001. ... Petitioner

-Versus-

Ponram, Managing Partner of
M/s. Unicon Engineers,
513-A/6, Bharathi Road,
Chinnavedampatty, Coimbatore – 641 049. ... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 01.11.2023 passed on unnumbered application dated 05.10.2023 seeking adducing of additional evidence in Arb.O.P.No.32 of 2023 by the learned Commercial Court, Coimbatore.

For Petitioner : *Mr.R.C.Chugh*

For Respondent : *Mr.B.Manoharan*

ORDER

This civil revision petition is filed against the rejection of an application



C.R.P.(PD).No.2754 of 2024

filed by the civil revision petitioner in an unnumbered application dated 05.10.2023 seeking to adduce additional evidence in Arb.O.P.No.32 of 2023 on the file of the Commercial Court at Coimbatore.

2. Arb.O.P.No.32 of 2023 had been presented to set aside the award passed by Micro & Small Enterprises Facilitation Council (M&SEFC) in M&SEFC/CBER/5/2016 dated 17.11.2016 before the Principal District Court at Coimbatore. Subsequent to the formation of a Commercial Court at Coimbatore, it was renumbered as Arb.O.P.No.32 of 2023.

3. In the said Arb.O.P.No.32 of 2023, the civil revision petitioner wanted to let in additional evidence. That petition came up to be dismissed on 01.11.2023.

4. I have heard Mr.R.C.Chugh for the civil revision petitioner and Mr.B.Manoharan for the respondent.

5. Mr.R.C.Chugh would submit court that Arb.O.P.No.32 of 2023 itself came to be dismissed on 01.11.2023. He would further add that as against the



C.R.P.(PD).No.2754 of 2024

order passed by the Commercial Court at Coimbatore in the Arb.O.P., an appeal is pending before the Division Bench of this Court invoking Section 37 of the Arbitration and Conciliation Act, 1996. He would state that even though the main O.P. has been disposed of as the truth had not been brought forth before the notice of the learned Trial Judge, he had moved this revision.

6. I am afraid that I am not in a position to revise an order, which is interlocutory in nature, when the main proceeding itself has been disposed of. I should add that it is disposed of in favour of the civil revision petitioner.

7. An interim order passed pending the proceedings merges with the final order and since the final orders have been passed, I am not in a position to revise the order passed in an interlocutory application.

8. In light of the above discussion, this civil revision petition is dismissed.

No costs.

05.08.2024

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Index : Yes/No



C.R.P.(PD).No.2754 of 2024

Speaking Order/Non-speaking order

Neutral Citation : yes/No

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C.R.P.(PD).No.2754 of 2024

V.LAKSHMINARAYANAN, J.

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To

1.The Commercial Court, Coimbatore.

C.R.P.(PD).No.2754 of 2024

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