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C.R.P.Nos.2675 & 2706 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

C.R.P.Nos.2675 & 2706 of 2024

and

CMP.Nos.14067 & 14296 of 2024

Ganesh

Teken BIM Technologies Pvt Ltd.,
8th Floor, RR Towers IV, A16 & 17,
TVK Industrial Estate, Guindy,
Chennai - 600 032, Tamil Nadu.

... Petitioner in both CRPs

Vs.

Sridharan

... Respondent in both CRPs

COMMON PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to set aside the docket order dated 15.04.2024 in I.A.Nos.5 & 6 in O.S.No.3810 of 2018 passed by the III Assistant City Civil Court, Chennai.

For Petitioner : Mr. D. Ferdinand in both CRPs



C.R.P.Nos.2675 & 2706 of 2024

WEB COPY

COMMON ORDER

These Civil Revision Petitions filed to set aside the docket order dated 15.04.2024 in I.A. Nos. 5 & 6 in O.S. No. 3810 of 2018 passed by the III Assistant City Civil Court, Chennai.

2. The case of the petitioner is that he filed the suit in O.S. No. 3810 of 2018 seeking recovery of money against the respondent. During trial, the petitioner's side evidence was closed on 26.07.2023. However, the petitioner required to let in additional evidence and to examine P.W.3- Mr. Ramesh, who was working as Administrative Manager in their company so as to appraise the Court as to how he was cheated by the respondent. The Trial Court however closed the plaintiff side evidence and commenced the defendant's side evidence hence, the petitioner filed I.A.Nos. 5 & 6 of 2024 seeking to reopen and recall P.W.3. The applications were allowed with condition that the petitioner shall pay a sum of Rs.1,500/- in each petition, totally Rs.3,000/- to the respondent on or before 15.04.2024. The petitioner paid a sum of Rs.1,500/- but the balance sum of Rs.1,500/- could not be paid and he could not contact the respondent's



C.R.P.Nos.2675 & 2706 of 2024

WEB COPY

counsel, however, the balance sum of Rs.1,500/- was later paid. Thus, the entire amount as per order paid in time and the same reported before the Trial Court. However, the Trial Court dismissed the petitions recording non compliance of the conditional order dated 27.03.2024. Aggrieved over the same, the present Civil Revision Petitions are filed before this Court.

3. Today, the learned counsel appearing for the petitioner produced a copy of the proof for payment of the balance Rs.1,500/- to the defendant's counsel on 15.04.2024. It is stated that the acknowledgement for having paid the costs could not be produced before the Court in time. In the meanwhile, the Trial Court passed the order dated 15.04.2024 dismissing the petitions for non-compliance of the conditional order.

4. Since it is only a limited prayer and evidence is complete only after cross examination, notice to the respondent is not required. Hence, notice to the respondent dispensed with.



C.R.P.Nos.2675 & 2706 of 2024

WEB COPY

5. In view of the above and finding conditional order complied with in time, this Court is inclined to set aside the order passed by the lower court and allowing the petition to reopen and recall P.W.3- Mr. Ramesh, who was working as Administrative Manager in his company and to let in evidence within a period of one month from the date of receipt of a copy of this order. Further, taking note of the fact that the suit was filed in the year 2018, the trial Court (III Assistant City Civil Court, Chennai) is directed to expedite the trial and to dispose of the suit on merits and in accordance with law, within a period of three months thereafter.

6. These Civil Revision Petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

24.07.2024

Index : Yes/No

Internet : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

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To

The III Assistant City Civil Court, Chennai.



C.R.P.Nos.2675 & 2706 of 2024



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C.R.P.Nos.2675 & 2706 of 2024

M.NIRMAL KUMAR, J.

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C.R.P.Nos.2675 & 2706 of 2024
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