



A.S.No.617 & 618 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 24.09.2024

CORAM :

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

A.S.Nos.617 and 618 of 2024 and
C.M.P.Nos.19397 and 19402 of 2024

M.Gokilam

...Appellant

in both A.S.Nos.617 and 618 of 2024

Vs.

1. P.Ramathal

2. S.Palanisamy

...Respondents in A.S.No.617 of 2024

1. S.Rameshkumar

2. S.Rajendran

...Respondents in A.S.No.618 of 2024

Prayer in A.S.No.617 of 2024: Appeal Suit filed under Section 96 of C.P.C against the judgment and decree dated 17.08.2023 made in O.S.No.42 of 2015 on the file of the Principal District Court, Tiruppur.

Prayer in A.S.No.618 of 2024: Appeal Suit filed under Section 96 of C.P.C against the judgment and decree dated 17.08.2023 made in O.S.No.233 of 2014 on the file of the Principal District Court, Tiruppur.

For Appellant : Mr.V.P.Sengottuvel
Senior Counsel for M.Lenin
For Respondents : M/s.N.Chinnaraj



A.S.No.617 & 618 of 2024

WEB COPY

COMMON JUDGMENT

The learned Counsel appearing for the Appellant submitted that the learned Principal District Judge, Tiruppur had conducted separate trials in O.S.No.42 of 2015 and O.S.No.233.of 2014.

2. Learned Senior Counsel for the Appellant invited the attention of this Court to the common judgment passed on 17.08.2023 in which it is specifically stated that documents had been marked separately on behalf of the Plaintiff and Defendants in both the suits and also both the oral and documentary evidence also were marked separately in both the suits. While so, the learned Judge without discussing the oral and documentary evidence had dismissed both the suits.

3. Aggrieved by the same, Plaintiff before the trial Court in O.S.No.42 of 2015 and O.S.No.233 of 2014 had filed two Appeals. A.S.No.617 of 2024 is filed against the dismissal of O.S.No.42 of 2015 and A.S.No.618 of 200 is filed against the dismissal of O.S.No.233 of 2014. Therefore, the



A.S.No.617 & 618 of 2024

learned Senior Counsel for the Appellant seeks remand of the case for fresh consideration on the same set of evidence and for pronouncing judgment as per the provisions of Order XX of C.P.C.

4. Learned Senior Counsel for the Appellant invited the attention of this Court to the discussion of the judgment wherein the learned Judge had not discussed the materials available before him, either as oral evidence or as documentary evidence and had dismissed the suit by common judgment. Therefore, the learned Senior Counsel for the Appellant seeks to remand the case with a direction to the learned Principal District Judge, Tiruppur to consider the judgment afresh on the same materials.

5. Even though, the learned Counsel for the Respondent objected, this Court is convinced that based on the submissions made by the learned Senior Counsel for the Appellant, both the suits are remanded back for fresh consideration and separate judgment.

6. After hearing the fresh arguments, the same may be disposed with



A.S.No.617 & 618 of 2024

separate judgments for each suit within a period of two months from the date of receipt of a copy of the order and shall report compliance of order of remand and disposal of the suit on merits. Consequently connected miscellaneous petitions are closed. No costs.

24.09.2024

Shl
Index : Yes/No
Speaking/Non-speaking order

To:

1. The Principal District Judge,
Tiruppur.
2. The Section Officer
V.R.Records
High Court of Madras.



WEB COPY



A.S.No.617 & 618 of 2024

SATHI KUMAR SUKUMARA KURUP, J.

shl

A.S.Nos.617 and 618 of 2024 and
C.M.P.Nos.19397 and 19402 of 2024

24.09.2024