



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 13.02.2025

CORAM:

THE HONOURABLE Ms. JUSTICE **P.T.ASHA**

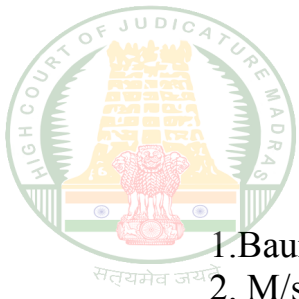
C.R.P.(PD)No.566 of 2025 and C.M.P.Nos.3246 & 2896 of 2025  
and  
C.R.P.(PD)No.567 of 2025 and C.M.P.Nos.3249 & 2895 of 2025  
and  
C.R.P.(PD)No.569 of 2025 and C.M.P.Nos.2890 & 3251 of 2025  
and  
C.R.P.(PD)No.570 of 2025 and C.M.P.Nos.3255 & 2900 of 2025  
and  
C.R.P.(PD)No.571 of 2025 and C.M.P.Nos.2894 & 3257 of 2025  
and  
C.R.P.(PD)No.572 of 2025 and C.M.P.Nos.3259 & 2902 of 2025  
and  
C.R.P.(PD)No.574 of 2025 and C.M.P.Nos.3261 & 2884 of 2025  
and  
C.R.P.(PD)No.575 of 2025 and C.M.P.Nos.3263 & 2882 of 2025

M/s.Southern Wind Farms Ltd  
Rep.by its Senior Vice President  
Mr.V.Vasudevan

...Petitioner in all cases

-Vs-

1.Ramanathan  
2.Visalatchi  
3.M/s.NEPC (India) Ltd.,  
Rep.by its Director Mr.Khemka,  
36, Wallahjab Road,  
Police Quarters,  
Triplicane,  
Chennai - 600 002. ... Respondents in C.R.P.Nos.566 & 575 of 2025



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1. Baumathi S. Shah

2. M/s. NEPC (India) Ltd.,

Rep. by its Director Mr. Khemka,

36, Wallahjab Road,

Police Quarters,

Triplicane,

Chennai - 600 002.

...Respondents in C.R.P.No.567 of 2025

1. Visalakshi

2. M/s. NEPC (India) Ltd.,

Rep. by its Director Mr. Khemka

36, Wallahjab Road,

Police Quarters,

Triplicane,

Chennai - 600 002.

...Respondents in C.R.P.Nos.569 & 570 of 2025

1. Sapna S. Shah

2. Banumathi S. Shah

3. M/s. NEPC (India) Ltd.,

Rep. by its Director Mr. Khemka

36, Wallahjab Road,

Police Quarters,

Triplicane,

Chennai - 600 002

...Respondents in C.R.P.Nos.571 & 572 of 2025

1. Mrs. Banumathi S. Shah

2. M/s. NEPC (India) Ltd.,

Rep. by its Director Mr. Khemka

36, Wallahjab Road,

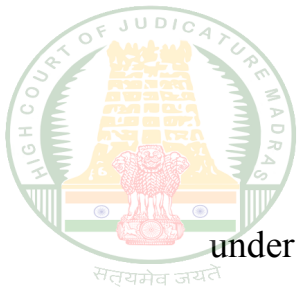
Police Quarters,

Triplicane,

Chennai - 600 002

...Respondents in C.R.P.No.574 of 2025

**Prayer in C.R.P.(PD)No.566 of 2025:** Civil Revision petition filed



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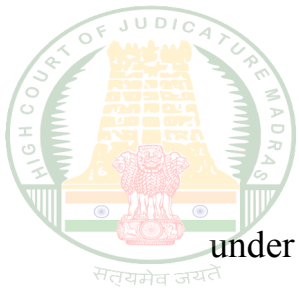
under Article 227 of the Constitution of India, to direct the Commercial Court, Egmore, Chennai to take on file, number and dispose the Interlocutory Application in I.A.SR.No.2311 of 2024 in C.O.S.N.976 of 2022 on the file of Commercial Court, Chennai.

**Prayer in C.R.P.(PD)No.567 of 2025:** Civil Revision petition filed under Article 227 of the Constitution of India, to direct the Commercial Court, Egmore, Chennai to take on file, number and dispose the Interlocutory Application in I.A.SR.No.2315 of 2024 in C.O.S.N.984 of 2022 on the file of Commercial Court, Chennai.

**Prayer in C.R.P.(PD)No.569 of 2025:** Civil Revision petition filed under Article 227 of the Constitution of India, to direct the Commercial Court, Egmore, Chennai to take on file, number and dispose the Interlocutory Application in I.A.SR.No.2309 of 2024 in C.O.S.N.975 of 2022 on the file of Commercial Court, Chennai.

**Prayer in C.R.P.(PD)No.570 of 2025:** Civil Revision petition filed under Article 227 of the Constitution of India, to direct the Commercial Court, Egmore, Chennai to take on file, number and dispose the Interlocutory Application in I.A.SR.No.2308 of 2024 in C.O.S.N.975 of 2022 on the file of Commercial Court, Chennai.

**Prayer in C.R.P.(PD)No.571 of 2025:** Civil Revision petition filed



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under Article 227 of the Constitution of India, to direct the Commercial Court, Egmore, Chennai to take on file, number and dispose the Interlocutory Application in I.A.SR.No.2312 of 2024 in C.O.S.N.979 of 2022 on the file of Commercial Court, Chennai.

**Prayer in C.R.P.(PD)No.572 of 2025:** Civil Revision petition filed under Article 227 of the Constitution of India, to direct the Commercial Court, Egmore, Chennai to take on file, number and dispose the Interlocutory Application in I.A.SR.No.2313 of 2024 in C.O.S.N.979 of 2022 on the file of Commercial Court, Chennai.

**Prayer in C.R.P.(PD)No.574 of 2025:** Civil Revision petition filed under Article 227 of the Constitution of India, to direct the Commercial Court, Egmore, Chennai to take on file, number and dispose the Interlocutory Application in I.A.SR.No.2314 of 2024 in C.O.S.N.984 of 2022 on the file of Commercial Court, Chennai.

**Prayer in C.R.P.(PD)No.566 of 2025:** Civil Revision petition filed under Article 227 of the Constitution of India, to direct the Commercial Court, Egmore, Chennai to take on file, number and dispose the Interlocutory Application in I.A.SR.No.2310 of 2024 in C.O.S.N.976 of 2022 on the file of Commercial Court, Chennai.

For Petitioner : Mr.R.Murali in all cases

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### **COMMON ORDER**



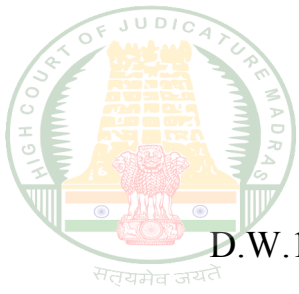
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The second defendant in all the suits is the revision petitioner before this Court. The petitioner seeks to challenge the order passed by the learned Principal Judge, Commercial Court, Egmore, Chennai, returning the petition filed by the revision petitioner to re-open and re-call the evidence of P.W.1 and posting the matter for judgment on 02.02.2025.

2. From the records, it appears that the plaintiffs had entered into an agreement with the second respondent for the purpose of erecting a windmill. Subsequently, the second respondent transferred their division to the second defendant, and a fresh agreement was entered into between the first respondent and the revision petitioner.

3. The suit is for the recovery of money, instituted by these parties as the project did not materialize, and they requested a refund of the money with interest.

4. It is observed that at the stage of arguments, the revision petitioner filed an application to re-open and re-call the evidence of



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D.W.1. These applications were dismissed, prompting the revision petitioner to file C.R.P. Nos. 152, 470 of 2025 and related cases.

5. By an order dated 06.01.2025, this Court allowed the revisions, granting the revision petitioner an opportunity to examine the second respondent. The learned Judge observed that the plaintiffs in the respective suits had not been able to recover their money, despite the suits being initially filed before this Court in 2009, subsequently transferred to the City Civil Court, and later to the Commercial Court, Egmore, Chennai, upon its constitution.

6. The learned Judge noted that the counsel originally handling the case on behalf of the revision petitioner had passed away. As a result, the subsequent counsel required time to consolidate the documents and records. Additionally, it was observed that the first defendant had not been cross-examined by the revision petitioner. Therefore, an application was moved for re-opening and re-calling the evidence of D.W.1. The learned Judge allowed the revision petitions in C.R.P.(PD)Nos.4670,4696 of 2024 and batch dated 06.01.2025 at Para 13 & 14 is extracted below:

13. The learned trial Court is requested to summon the first defendant to appear before it on



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20.01.2025. On that date, the second defendant shall cross-examine the first defendant. Due to the delay in filing the applications, the second defendant is required to pay costs of Rs.5,000/- in each suit to the first defendant, totaling Rs.40,000/-. Upon confirmation of payment, the learned trial Judge shall grant the second defendant an opportunity to cross-examine. If the costs are not paid before 20.01.2025, these CRPs shall stand dismissed without further notice from this Court.

14. The learned Principal Commercial Court, Egmore, is requested to dispose of the suits by 17.02.2025.

7. Upon reviewing the aforementioned order, it is evident that there is no reference to the revision petitioner not having cross-examined P.W.1.

8. On the contrary, the order indicates that the evidence of P.W.1 had already been concluded while the matter was still pending before the Court. At this stage, the case was transferred.

9. The matter was subsequently posted for the cross-examination of the first defendant by the revision petitioner, which was duly completed. The case was then scheduled for arguments.



**WEB COPY 10.** The present unnumbered petition has been filed, seeking to re-open and re-call the evidence of P.W.1 for cross-examination. The learned Judge has rightly rejected this application.

**11.** In light of the order passed in the batch of C.R.Ps on 06.01.2025, this application appears to be an attempt by the petitioner to delay proceedings.

**12.** The earlier order clearly indicates that the chief examination and cross-examination of P.W.1 had already been completed while the case was pending before this Court. Therefore, the petitioner's contention appears to be erroneous.

**13.** Furthermore, the order dated 06.01.2025 explicitly directed the defendants to appear on 21.01.2025, cross-examine the first defendant upon payment of costs, and the revision petitioner has already exercised this right. Hence, there is no reason to allow the present revision petition.

**14.** Accordingly, this Civil Revision Petition is dismissed with a



direction to the learned Judge, Commercial Court, Egmore, Chennai, to proceed to dispose of the suit expeditiously. No costs. Consequently, the connected W.M.Ps are closed.

**13.02.2025**

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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

To

The Commercial Court, Egmore, Chennai

**P.T.ASHA,J.,**

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