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CRP. PD. No.564 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:17.06.2025

Pronounced on:04.07.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

**CRP. PD. No.564 of 2025
and CMP. No.3225 of 2025**

Reserve Bank of India
Fort Clacis, 16, Rajaji Salai,
Chennai 600 001
rep. By its Assistant General Manger,
Mr.T.R.Radhakrishnan

Petitioner(s)

Vs

Mr.K.Kumar Deshraj
S/o.Shri C.Kannan,
Resident of E-48, RBI Staff Quarters,
Besant Nagar, Chennai – 600 090
Now residing at
171/1E, 17th Cross Street,
Telephone Nagar, Perungudi,
Chennai 600 096.

Respondent(s)

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the said order and decree dated 10.01.2025 passed by the learned V Additional Judge, City Civil Court, Chennai and dismiss I.A. No.5 of 2023 in O.S. No.6782 of 2021.

For Petitioner : Mr.T.Poornam

For Respondent : Mr.A.Govindasamy



ORDER

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The Revision is at the instance of the plaintiff who was unsuccessful in I.A. No. 5 of 2023 in O.S. No.6782 of 2021. The plaintiff/Reserve Bank of India has filed a suit in O.S. No. 6782 of 2021 for recovery of monies from the respondent/defendant. Pending the suit, the respondent/defendant filed a petition to receive document viz., oral enquiry proceedings conducted by the plaintiff against the defendant under Order VIII Rule 1(A)(3) r/w Section 151 CPC in I.A. No. 5 of 2023, which was allowed by the Trial Court.

2. I have heard Mr.T.Poornam, learned counsel for the petitioner and Mr.A.Govindasamy, learned counsel for the respondent.

3. The learned counsel for the petitioner would state that pending the suit for recovery of money, the respondent/defendant sought for filing the oral enquiry proceedings as a document in the suit to establish that the report of the Enquiry Officer was clearly biased and partisan. The learned counsel would state that the plaintiff has already filed the enquiry report of the Enquiry Officer and there was no necessity to file



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the oral enquiry proceedings. The learned counsel would further state that what was attempted to be filed was only a truncated portion and not the entire proceedings and therefore, the said document was neither admissible nor material for the purposes of adjudication of the suit. However, the Trial Court has erroneously allowed the Application, as against which the present revision has been filed.

4. Per contra, Mr.A.Govindasamy, learned counsel for the respondent/defendant would submit that the respondent had already taken out an Application in I.A. No. 3 of 2023 seeking a direction the plaintiff to produce the Domestic Enquiry proceedings. However, the said Application was dismissed, giving liberty to the respondent to exhibit the Domestic Enquiry Proceedings subject to ensuring accuracy. He would therefore submit that the earlier Application had given liberty to the respondent/defendant and hence there was no impediment for the said document being received and rightly the Court has allowed the Application.

5. I have carefully considered the submissions advanced on either side and I have also gone through the order passed by the Trial Court as



well as the decisions on which reliance has been placed on by the learned counsel for the revision petitioner.

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6. After considering the rival contentions of the parties, the Trial Court has proceeded to allow the Application holding that “ *The original suit was filed in the year 2007. Now the case is pending for cross examination of P.W.1. Though it is not pleaded in the written statement it is not too late to receive the same on the side of the petitioner/defendant. Hence in order to avoid multiplicity of proceedings and also given an opportunity to the petitioner to putforth his plea and considering the pleadings this Court do not want to technically. At that score, this petition is allowed. No costs.*”

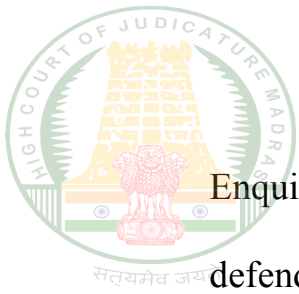
7. The reasoning of the the Trial Court to permit the reception of the document from the defendant was to give an opportunity to the defendant to putforth his plea without standing on technicalities and to avoid multiplicity of proceedings. However, the Trial Court has found that there is no plea in the written statement with regard to the said document that is now sought to be introduced. The suit was initially filed before this Court even in the year 2007 and the



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respondent/defendant has filed his written statement as early as on 20th September 2007. Admittedly, the said document was not filed along with the written statement. The present Application has been filed after commencement of trial, on 26.06.2024 after a lapse of more than 16 years and 9 months. It is not the case of the respondent/defendant that this document was not available with him and therefore, it could not be filed earlier.

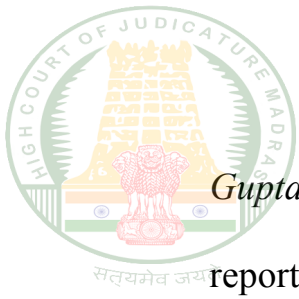
8. Admittedly, even as found by Trial Court, the written statement does not even talk about the said document. The issues were also framed before this Court on 18.07.2008 and much later, for reason of pecuniary jurisdiction of the City Civil Court, Chennai being enhanced, the suit was transferred to the file of the V Additional City Civil Court, Chennai. No doubt, I.A. No. 3 of 2023 was filed by respondent/defendant seeking a direction to the plaintiff to produce the domestic enquiry proceedings and also I.A. No.4 of 2023 was filed seeking leave of the Court to file an Additional Written Statement. The Application seeking leave to file additional written statement came to be dismissed in October 2023 and similarly I.A. No. 3 of 2023 seeking a direction to produce the Domestic



Enquiry proceedings also came to be dismissed, finding that the defendant has been adopting delaying tactics and that the Application lacks bonafides and merits.

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9. It is settled law that there can be no amount of evidence adduced by a party without a pleading. It is seen and also rightly found even by the Trial Court, the defendant has not even whispered, muchless pleaded about the Domestic Enquiry Report in the written statement. In *Ponnayal Alias Lakshmi Vs. Karuppannan (Dead) through Legal Representative Sengoda Gounder and Another*, reported in (2019) 11 SC 800, the Hon'ble Supreme Court held that when the documents were not part of the pleadings in the suit and no issue was also framed regarding the said documents, the documents are not necessary, as the suit cannot be permitted to travel beyond the pleadings. In *Siddik Mahomed Sha Vs. Mt.Saran and others*, reported in (1929) SCC Online Privy Council 79, the Privy Council held that no amount of evidence can be looked into upon a plea which was never putforward. The said ratio is followed by the Hon'ble Supreme Court in *Bhagatsingh Vs. Jaswant Singh* reported in (1961) SCC Online SC 254; *Chinta Lingam and others Vs. Governmetn of Tamil Nadu and others*, reported in 1970(3) SCC 768 and *Ram Sarup*



Gupta (Dead) by Lrs Vs. Bishun Narain Inter College and Others,
reported in (1987) 2 SCC 555.

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10. In the case of *H.RAmachandra Rao Vs. A.Mohideen*, reported in 2000-1.LW. 420, this Court held that if the affidavit does not disclose any reason for not taking the defence earlier, then the Court was justified in rejecting the Application. This Court also held that while granting leave, the Court will have to consider the stage of the suit, delay on the part of the party seeking leave and the hardships, the other party will be put to. In *Manohar Prasad and others Vs. Prasad Productions Private Limited Rep. By its Managing Director A.Ramesh Prasad*, reported in (2018) SCC Online Mad 7100, this Court held that even for permitting the defendant to file additional written statement, the Court has to consider whether the permission can be granted or refused only on the basis of the reasons adduced in the Application.

11. Now reverting to the affidavit filed by the respondent/defendant in I.A. No.5 of 2023, it is seen that the petitioner merely states that earlier Application in I.A. No.3 of 2023 was dismissed



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with liberty to exhibit the Domestic Enquiry proceedings and that the failure on his part to file the document along with the written statement was neither willful nor wanton and that the document is material for adjudication of the suit. Except the above, I do not find any sufficient or satisfactory reasons to permit the reception of the said documents.

12. Firstly, the request of the defendant to file an additional written statement has been rejected and the same has become final. Even in the Application filed in I.A. No.3 of 2023 seeking a direction to the plaintiff to produce the domestic enquiry report, the Trial Court has found that the objection of the plaintiff that the defendant is protracting the proceedings cannot be brushed aside. It formed the foundation for the Court to dismiss the Application in I.A. No.3 of 2023. No doubt, the Trial Court had observed in I.A. No.3 of 2023 that the plaintiff has already produced the entire file of the Departmental proceedings and the same been marked as Ex.P9 to P21, even before this Court (in the original side) and that copy of the same has also been furnished to the defendant and the Court has only observed that if at all the defendant wants to exhibit the said domestic enquiry report and he can always mark the copy of the domestic enquiry report which has been furnished to the



defendant, after ensuring its accuracy.

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13. The prayer in the present Application is to receive the oral enquiry proceedings conducted by the plaintiff against the defendant. Admittedly, the said oral enquiry proceedings which is now sought to received by the defendant pertains only to certain hearings viz., Hearing Nos.4, 5, 11, 16, 19, 20, 21, 23, 24 and 25, the document is also not sought to be received in entirety. Such a document cannot be received in part and in any event, as found even by the Trial Court, there is absolutely no pleadings made by the defendant in the written statement regarding the said oral enquiry proceedings which have in any event, culminated in a final enquiry report. Therefore the Trial Court ought to have refused permission to the respondent/defendant instead of allowing that the Application, to avoid multiplicity of proceedings. I do not see how the refusal to entertain such a truncated document would result in avoiding multiplicity of proceedings. Moreover, the petitioner/defendant having not backed up the contents of the document even in the pleading, as consistently held by the, Privy Council, Hon'ble Supreme Court and our Court, the party cannot be allowed to let in any evidence in the absence of pleading regarding such evidence.



Therefore, I am inclined to interfere the order of the Trial Court and set aside the order dated 10.01.2025 in I.A. No.5 of 2023 in O.S. No.6782 of 2021 passed by the learned V Additional District Judge, City Civil Court, Chennai.

14. Accordingly, this Civil Revision Petition is allowed. Consequently, connected Miscellaneous Petition is also closed. No costs.

04.07.2025

rkp
Index : Yes / No
Internet : Yes / No

To:

The V Additional District Judge,
City Civil Court, Chennai.



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P.B.BALAJI, J.,

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Pre-delivery order in
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