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C.R.P. Nos.1792, 1794 & 1795 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.04.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P. Nos.1792, 1794 & 1795 of 2025  
and CMP.Nos.10360, 10364 & 10366 of 2025

Bobby Sharma

... Petitioner / Petitioner / Plaintiff

Vs.

1.Shirley Williams  
2.Annie Rubens  
3.Rajesh Williams  
4.Lavanya Kannan

... Respondents / Respondents /  
Defendants

**Prayer in CRP.No.1792 of 2025:** Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the order dated 22.11.2024 dismissing I.A.No.16 of 2024 in O.S.No.2779 of 2018 made by the learned XV Assistant Judge, City Civil Court, Chennai.

**Prayer in CRP.No.1794 of 2025:** Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the order dated 22.11.2024 dismissing I.A.No.15 of 2024 in O.S.No.2779 of 2018 made by the learned XV Assistant Judge, City Civil Court, Chennai.



**Prayer in CRP.No.1795 of 2025:** Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the order dated 22.11.2024 dismissing I.A.No.14 of 2024 in O.S.No.2779 of 2018 made by the learned XV Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.Samir Kumar S.Shah  
for M/s.Shah and Shah

### **COMMON ORDER**

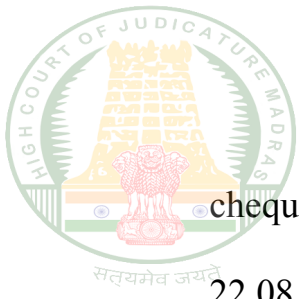
The plaintiff is the revision petitioner in all these revisions, which have been filed challenging the orders passed by the learned XV Assistant Judge, City Civil Court, Chennai dated 22.11.2024 in the applications filed by him in I.A.No.14 of 2024, to reopen the evidence of the plaintiff side; I.A.No.15 of 2024 to recall PW1 for letting further evidence and to mark the document and I.A.No.16 of 2025 filed under Order VII Rule 14 of CPC to receive the additional documents. Parties are referred to in the same ranking as before the trial Court.

2. The suit in O.S.No.2179 of 2018 was filed to direct the defendants jointly and severally to pay the plaintiff a sum of Rs.6,24,300/- along with



interest at the rate of 24% per annum on Rs.4,50,000/- from the date of the  
plaint till the date of realization.

3. The sum and substance of the plaintiff's case is that plaintiff is the brother in law of defendants 1 to 3 and the fourth defendant is the friend of the third defendant. The plaintiff had married the sister of defendants 1 to 3. The plaintiff would submit that the defendants 1 to 3, his wife and other two siblings namely Sathish Williams and Charles William are the co-owners of various properties and one among them is the property situated at Door No.12, CNK Road, Triplicane, Chennai, and that the plaintiff's wife also has a share in it. This property was maintained by the plaintiff, for which purpose he had expended money. The maintenance of the property involves payment of common electricity charges, and other charges and also repayment of advance amount to the tenants when they vacated the property. By reason of this expenditure, the plaintiff had incurred a loan to the tune of Rs.4,50,000/-. It is the contention of the plaintiff that the defendants have agreed to pay the said amount and in discharge of the partial liability, the first defendant had issued a cheque bearing No.593890 dated 19.08.2016 for a sum of Rs.4,50,000/- drawn on Karnataka Bank Ltd., When the said



cheque was presented in Bank for realisation, it was returned dishonored on 22.08.2016 with a remark 'insufficient funds'.

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4. Therefore, the plaintiff had initiated proceedings under the Amended provisions of the Negotiable Instruments Act, and the same is pending in C.C.No.6663/2016 before the XX Metropolitan Magistrate Court at Allikulam. The plaintiff would further submit that he had been informed by the first defendant that the money which the first defendant had agreed to pay was partly with defendants 2 and 3, and partly with the fourth defendant. The plaintiff, therefore made enquiries with defendants 2 and 3 as to the availability of the said sum and they too had agreed that the said amount is with them and the fourth defendant, but they denied to hand over the same to the first defendant. Therefore, the plaintiff has come forward with the present suit seeking recovery of money from the defendants.

5.1 The defendants have filed a common written statement denying the claim of the plaintiff. They would submit that the defendants 1 and 2 and the plaintiff's wife are the real and absolute owners of the suit property. The building has been given on rent and the rent amount so received was



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divided equally between the defendants 1 and 2 and the plaintiff's wife. It is also pleaded by the defendants 1 to 3 that prior to the death of defendants' mother, the rent was collected by the first defendant, and by coercion and threat of the plaintiff, this practice had been changed after their mother's demise, and the plaintiff started collecting the rents, which he retained without sharing the money with defendants 1 and 2. The defendants would submit that without the knowledge of defendants 1 and 2, the plaintiff had vacated the existing tenants and let out the building to new tenants taking huge amounts as advance from them. When this was questioned by the defendants 1 and 2, the plaintiff's wife had filed a suit in O.S.No.1591/2017 before the XII Assistant Judge, City Civil Court, Chennai, and now the entire rents are collected by the plaintiff and he is not paying the defendants' share, which they are entitled to.

5.2 It is also contended by the defendants that the plaintiff's wife and his children are the permissive occupants of property at Door No.167, Big Street, Triplicane, Chennai, as tenants, and since the plaintiff and his family are misusing the property, the third defendant had filed RCOP.No.1166/2016 before the XI Small Causes Court, Chennai, and the



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same is pending. The defendants would however submit that the plaintiff had not incurred any loan as alleged by him in the plaint towards maintenance and upkeep of the property at CNK Road, Triplicane, as the same is in the occupation of the tenants. The defendants also denied the allegations contained in the plaint that the first defendant had undertaken to pay a sum of Rs.4,50,000/- to the plaintiff and that he had not issued any cheque as alleged in the plaint. The defendants would submit that the alleged cheque was a blank cheque which bears the signature of the first defendant and that the plaintiff had stolen the cheque, and filled up the amount. On coming to know about this, the first defendant had lodged a complaint before the police. It is also alleged that when the plaintiff have filed a case in C.C.No.6663/2016 before the XX Metropolitan Magistrate Court, Chennai, as concerning dishonor of alleged cheque and that the same is pending on its file, the plaintiff cannot file a suit for the same cause of action. Hence, the defendants sought for the dismissal of the suit.

6. After the evidence had been completed and the suit is at the stage judgment, the plaintiff has come forward with the said three applications which is the subject matter of the revision petitions, in which, the plaintiff



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would submit that there were some bills which the plaintiff had not filed at the time of filing of the suit, and that the same is required to be filed to prove his case. In the affidavits filed in support of the said applications, the plaintiff would submit that the said documents could not be filed at the time of filing the suit, as the same had been misplaced by him. Thereafter, he would submit that the said documents have been filed before the learned Magistrate in C.C.No.6663/2016, and by oversight he failed to file those documents before the City Civil Court. According to the plaintiff, this was noticed by him and his counsel only on 19.08.2024 and thereafter, the petitioner has come forward with these applications.

7. The said applications are resisted by the defendants contending that the plaintiff has moved these applications at this belated stage when the matter is posted for judgment, and is nothing but only an attempt to drag on the proceedings. The defendants would submit that the issues were framed in the above suit on 06.07.2019, much before the commencement of COVID pandemic. However, it took six years to complete the evidence and when the matter is reserved for judgment, these applications have been filed. Hence, the defendants have sought for dismissal of the said applications.



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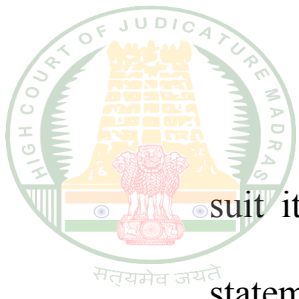
8. The learned XV Assistant Judge, City Civil Court, Chennai, by order dated 22.11.2024, has dismissed the impugned applications. In her order, she has held that against the dishonored cheque, the plaintiff had already initiated proceedings under the Negotiable Instruments Act and the same is pending in C.C.No.6663/2016, and now to recover the said sum, the plaintiff has filed the present suit. The learned Judge has also observed that the documents which have been sought to be introduced as additional documents in the said I.A. are 17 in nos., of which, Sl. Nos.1 to 14 pertains to the year even prior to 2018, and these documents are very much available with the plaintiff before the filing of the suit, and in the plaint, there is no mention about any of the documents now sought to be produced. The documents listed under Sl.No.15 & 16 also relates to the proceedings before the Small Causes Court and also the proceedings in O.S.No.4893 of 2021, which do not have any bearing to the case on hand. The learned Judge also has observed that these applications now filed at the stage of argument, is only an attempt to fill up the lacunae. Challenging the dismissal of said applications, the petitioner/plaintiff is before this Court.



9. Heard the learned counsel for the revision petitioner.

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10. A perusal of the plaint would clearly indicate that the plaintiff has not made any pleading whatsoever about he having paid the money for certain works, for which, he has the necessary receipts. On the contrary, the only allegation that has been made is that "the plaintiff had been maintaining the building and even making payment for common electricity and other common charges". The plaintiff has further gone on to state that "since he has no money with him, he had to borrow a sum of Rs.4,50,000/- from the market to pay advance money back to the tenants when they vacate their portions and for maintaining the property". This statement having been made, the petitioner ought to have filed the documents evidencing such refund of advance amount to the tenants, which he had not done. The details of the expenditure and the nature of the maintenance work that was carried out in the said property, has not been set out in the plaint. Further the plaintiff who contends that the electricity charges have been paid by him, has not even produced the electricity card. The plaintiff who comes forward to state that he had incurred the expenditure of Rs.4,50,000/- ought to have substantiated the same with documents at the time of filing of the



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suit itself. A perusal of the plaint document does not even show the statement of accounts. Even with reference to the reasons for not filing the documents, the plaintiff has come forward with different versions - at one instance, he would say that the documents were misplaced and in the next, he would say that by oversight, the documents were omitted to be filed. Therefore, it is very clear that the filing of these interlocutory applications is only an attempt by the plaintiff to drag on the proceedings and therefore the learned Judge has rightly rejected the said applications. I see no reason to interfere with the orders of the learned XV Assistant Judge, City Civil Court, Chennai in I.A.No.14 of 2024, I.A.No.15 of 2024 and I.A.No.16 of 2024 in O.S.No.2779 of 2018.

11. The revision petitions are accordingly dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

**25.04.2025**

Index : Yes / No  
Neutral Citation : Yes / No  
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To:

- 1.The XV Assistant Judge  
City Civil Court  
Chennai.
- 2.The Section Officer  
VR Section, High Court, Madras.



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P.T. ASHA, J.

ds

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