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CRP. No.3243 & 3245 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **27.06.2025**

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP. No.3243 & 3245 of 2024

and CMP. Nos.17346 & 17352 of 2024

Svarna Varsha Hitech Farmers Private Limited,

Represented by its Director R.V.Nataraj

Petitioner in both CRPs

Vs

Suyam Charitable Trust,

Represented by its Managing Trustee,

Mrs.V.Uma

Respondent in both CRPs

COMMON PRAYER: This Civil Revision Petition under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 01.07.2024 in I.A. Nos.01 of 2024 & 02 of 2024 in O.S. No.53 of 2016 passed by the learned Sub Judge at Thiruvallur.

(in both CRPs)

For Petitioner : Mr.M.V.Seshachari

For Respondents : No Appearance

COMMON ORDER

These revisions are filed by the plaintiff in O.S. No.53 of 2016 before the Sub Court, Thiruvallur. The Petitioner has taken out I.A. Nos.1 & 2 of 2024 for recalling of P.W.1 for the purposes of marking additional document which is printed from the website of the Ministry of



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Corporate Affairs to establish existence of the plaintiff's Company. The said Applications came to be dismissed by the Trial Court as against which the plaintiff is before this Court.

2. Heard learned counsel for the petitioner. Despite notice served on the respondent, the respondent has not chosen to appear either in person or through counsel. The respondent is called and set exparte.

3. The learned counsel for the petitioner Mrs.Harini would submit that only during the course of cross examination, the question with regard to the existence of the plaintiff's Company were put to the witness which necessitated to the plaintiff to reopen and recall of P.W.1 and to file the additional documents. The Trial Court has found a delay of 4 months to be fatal and denied an opportunity to the petitioner/plaintiff.

4. The case of this nature when the very existence of the plaintiff's Company is itself challenged for the first time in cross examination and not earlier in the pleadings, the Trial Court should have been liberal in its approach. The delay is neither unreasonable nor inordinate. Hence, I



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am of the considered opinion that the petitioner ought to be given an opportunity to putforth their documents and for the limited purpose of P.W.1 shall be recalled.

5. Accordingly, these Civil Revision Petitions are allowed and the orders passed in I.A. Nos.1 and 2 of 2024 in O.S. No.53 of 2016 passed by the learned Sub Judge, Thiruvallur are hereby set aside. The Trial Court shall accept the said extract from the website under Section 63 of Bharatiya Sakshya Adhiniyam, 2023. The respondent shall be given an opportunity to cross examine the plaintiff on the limited aspect of the additional document that is introduced. Consequently, connected Miscellaneous Petitions are also closed. No costs.

27.06.2025

rkp
Index : Yes / No
Internet : Yes / No
To:
The Sub Judge at Thiruvallur.



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P.B.BALAJI, J.,

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