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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

Civil Revision Petition No.6732 of 2026
& CMP.No.28999 of 2026

CNR:{HCMA012093392026}

Rakesh Kumar
S/o Babulalji Haran,
No.117, Govindappa Naicken
Street, Chennai 600 001

...Petitioner

Vs

1. M.Harish Kumar
   S/o Manohar Raj Kankaria,
   No.12, Kalathy Pillay Street,
   1st Floor, Sowcarpet,
   Chennai 600 021

2. Dr.Reddys Laboratories Ltd
   H.No.7-1-27, Ameerpet,
   Hyderabad 500 016

3. M/s.J.P.Investments
   No.133, Anna Pillai Street,
   Chennai 600 001

...Respondents

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PETITION under Article 227 of The Constitution of India against the fair and decretal order dated 18.6.2026 in I.A.No.12 of 2025 in O.S.No.4599 of 2019 on the file of the First Assistant Judge, City Civil Court, Chennai.

For Petitioner: Mr.P.R.Balasubramanian

ORDER

This civil revision petition has been filed under Article 227 of The Constitution of India against the order dated 18.6.2026 in I.A. No.12 of 2025 in O.S.No.4599 of 2019 on the file of the First Assistant Judge, City Civil Court, Chennai (for short, the Court below) wherein the application filed by the petitioner/plaintiff under Section 151 of the Civil Procedure Code (CPC) to eschew the evidence of P.W.1, came to be dismissed.

2. Heard the learned counsel appearing for the petitioner.

3. This Court has carefully considered the submissions of the learned counsel for the petitioner and perused the materials

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available on record and more particularly the impugned order.

4. The petitioner, who is the plaintiff, filed the said suit seeking for the relief of declaration, permanent injunction and mandatory direction. When the said suit reached the stage of trial, certain documents were marked on the side of the petitioner/ plaintiff. Further, it is seen that Ex.A.3 independently had three documents namely a letter dated 29.1.2019, outward memo of shares and a copy of the first information report. For some reason, all the three documents were marked together as Ex.A.3. This was realised by the petitioner/plaintiff at a later point of time and this impelled him to file I.A.No.12 of 2025 seeking to eschew the evidence of P.W.1 and to permit him to file a fresh proof affidavit by properly ranking the documents.

5. But, the Court below dismissed the said application mainly on the ground that marking three documents as Ex.A.3 alone was not a ground to eschew the evidence of P.W.1 Aggrieved by that, the above civil revision petition has been filed before this Court.

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6. In the considered view of this Court, there is no scope for eschewing the evidence, which has already been recorded.

7. I had an occasion to deal with a similar issue in the case of ***Dr.Sundar Vs. State of Tamil Nadu [reported in 2019 (3) MLJ (Criminal) 211].***

8. In the case in hand, the ground raised is that three documents were marked together as Ex.A.3. As rightly found by the Court below, this cannot be a ground to eschew the entire evidence of P.W.1. Section 151 of the CPC is not meant for dealing with a situation like this. If the three documents have been marked together as Ex.A.3, the Court below, while dealing with the documents, shall deal with them separately. That does not require eschewing the entire evidence of P.W.1. The said application filed before the Court below is a frivolous one and it has been rightly dismissed by the Court below. This Court is of the considered view that the impugned order does not require the interference of this Court.

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9. Accordingly, the civil revision petition is dismissed and the impugned order dated 18.6.2026 in I.A.No.12 of 2025 in O.S.No. 4599 of 2019 on the file of the First Assistant Judge, City Civil Court, Chennai is confirmed. Consequently, the connected CMP is also dismissed.

27-10-2026

To
The Registrar,
City Civil Court, Chennai.

RS

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RS

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