

Madras High Court

J.N.Hansraj vs D.R.Benefit Fund Limited on 22 October, 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.10.2008
CORAM
THE HONOURABLE MR.JUSTICE M.VENUGOPAL
C.R.P. (PD) Nos.3452,3453 & 3454 of 2008
& M.P.No.1 of 2008

1.J.N.Hansraj
2.H.Paulraj

.. Petitioners

Vs.

D.R.Benefit Fund Limited,
rep. by its Chairman Mr.D.Rajappa

.. Respondent

Civil Revision Petitions are filed ~~Section~~ under Article 227 of the Constitution of India against

For Petitioners : Mr.A.Chidambaram

ORDER

These Civil Revision Petitions are filed by the petitioners/defendants as against the order passed in I.A.Nos.606, 607 & 608 of 2008 in O.S.No.110 of 2006 on the file of the learned Principal District Judge, Thiruvallur, in allowing the applications for re-opening the case, recalling P.W.1 and to condone the delay in filing the documents.

2. Learned counsel appearing for the revision petitioners urges that the Trial Court has allowed the I.A.Nos.606, 607 & 608 of 2008 on 30.06.2008 by passing a crept order to the effect that "Counter filed no serious objections in the Counter" and resultantly allowed the said applications and the said action by the Trial Court is not sustainable in the eye of law, for the simple reason that the said orders have been passed in a non speaking fashion and obviously the Trial Court has not looked into the averments made in the counter affidavit filed to those applications and therefore prays for allowing the Civil Revision Petitions to prefer aberration of justice.

3.This Court has heard the learned counsel for the petitioners and noticed their contentions. On a scrutiny of the orders passed by the Trial Court dated 28.07.2008 in I.A.Nos.607, 608 & 609 of

2008, this Court is of the considered view that the said orders are non speaking one and the Trial Court has not discussed anything qualitatively and quantitatively about the contentions made in the applications and in the counter put forward by the respective parties and in that view of the matter, this Court allows the Civil Revision Petition in the interest of justice.

4.In fine, these Civil Revision Petitions are allowed and the order passed by the Trial Court in M.VENUGOPAL, J.

Smi I.A.Nos.607, 608 & 609 of 2008 are set aside. The District Judge, Tiruvallur is directed to pass a fresh, detailed and reasoned orders in the aforesaid applications after providing opportunity to both the parties at an early date and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

22.10.2008 Index : Yes/No Internet : Yes/No Smi To The Principal District Judge, Thiruvallur C.R.P.(PD)Nos.3452,3453 & 3454 of 2008