

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 29-30 OF 2020
(Arising out of SLP(C) Nos. 29074-29075 of 2019)

K. KARUNAKARAN & ORS.

Appellant (s)

VERSUS

JEYASEELAN

Respondent(s)

O R D E R

Leave granted.

These appeals take exception to the judgment and order dated 28.08.2019 passed by the Madurai Bench of Madras High Court in C.R.P.(MD) No. 1209 of 2019 and C.M.P. (MD) No. 6773 of 2019, whereby the High Court affirmed the order passed by the Trial Court rejecting the application preferred by the appellants praying for following reliefs:

"5....It is therefore, just and necessary that this Hon'ble Court may graciously be pleased to summon the details of the C Form licence issued to originally M/s Raja Talkies and presently M/s Yuvaraja Theatre, Cumbum in Theni District available in the office of the District Collector, Theni for producing the particulars of the 'C' Form licence for the said theatre and the officials of M/s B. Purushottam & Co., Chattered Accountant whose particulars are set out in the accompanying petition to testify the details of the properties of the said firm M/s Yuvaraja Theatre and pass such other suitable orders and thus render justice."

After hearing learned counsel for both the parties, we are not inclined to interfere with the conclusion recorded by the two courts below in respect of the first part of the aforementioned relief. However, the second part of the relief is to permit the appellants to examine the named Chartered Accountant. That needs to be accepted considering the fact that the respondent-plaintiff during the cross-examination of DW-3 had posed a pointed question as to whether the defendant(s) ought to examine the named auditor to substantiate the stated report.

Having posed that question and as a consequence of which the appellants now intend to examine the Chartered Accountant, it does not augur well for the respondent-plaintiff to resist that part of the application.

Hence, this appeal partly succeeds only to the limited extent of second part of the prayer clause of the subject application permitting the appellants to examine the named auditor. That relief is granted on a condition that the appellants shall cause to examine the concerned auditor within four weeks from today.

The Trial Court shall facilitate recording of evidence of the named auditor, if such request is made by

the defendant(s) within four weeks from today, failing which the Trial Court may proceed with the matter on other issues disregarding the fact that the defendant(s) has been permitted to examine the auditor concerned in terms of this order.

The appeals are partly allowed in the above terms. No order as to costs.

Pending applications, if any, stand disposed of.

.....J
(A.M. KHANWILKAR)

.....J
(DINESH MAHESHWARI)

New Delhi
January 07, 2020

ITEM NO.6

COURT NO.7

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 29074-29075/2019

(Arising out of impugned final judgment and order dated 28-08-2019 in CRPMD No. 1209/2019 28-08-2019 in CMPMD No. 6773/2019 passed by the High Court Of Judicature At Madras At Madurai)

K. KARUNAKARAN & ORS.

Petitioner(s)

VERSUS

JEYASEELAN

Respondent(s)

(FOR ADMISSION and I.R.)

Date : 07-01-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s)

Mr. S. Santanam Swaminadhan, Adv.
Ms. Abhilasha Shrawat, Adv.
Ms. Ashima Sachdev, Adv.

Mrs. Aarthi Rajan, AOR

For Respondent(s)

Mr. R. Balasubramanian, Sr. Adv.
Mr. b. Karunakaran, Adv.
Mr. Babu Rajendran, Adv.
Mr. Anirudh J., Adv.
Mr. Tabish Zia, Adv.
Mr. S. Gowthaman, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The Civil Appeals are partly allowed in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order is placed on the file]

