



O.S.A.No.361 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

O.S.A.No.361 of 2025

and

C.M.P.No.29562 of 2025

1.Raichand Daga

2.Pankaj Daga

...Appellants

Vs.

G.Elumalai

...Respondent

PRAYER: This Original Side Appeal filed under Clause 15 of the Letters Patent read with Order XXXVI Rule 9 of Madras High Court Original Side Rules, praying to set aside the order in A.No.2707 of 2025 in C.S.No.633 of 2019 dated 23.07.2025.

For Appellants : Mr.T.Karunakaran

For Respondent : Mr.S.Krishnasamy



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JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

The present Original Side Appeal has been instituted to assail the order dated 23.07.2025 passed in A.No.2707 of 2025 in C.S.No.633 of 2019.

2. The appellants as plaintiffs instituted a suit for recovery of money.

The plaintiffs and the defendant entered into a Letter of Intent - Contract Agreement dated 01.02.2017 for construction of residential building and civil works for the plaintiffs in their property in Old No.6, New No.11, 9th Cross Street, Indira Nagar, Adyar, Chennai. A dispute arose and the suit for recovery of money has been instituted.

3. The respondent/ defendant in the suit filed an application to issue Subpoena to the Architect for him to appear and record evidence. The trial Court considered the application and found that on a perusal of written statement cum counter claim, it would indicate that the applicant has raised a pleading that he had engaged the services of a third party Architect. He has



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also relied upon the bills, counter signed by the Architect in the construction

for the plaintiffs. Even though the respondent in his reply statement has alleged that the applicant had colluded with one of the staff of the Architect's office in creating the said fabricated bills, the services of the said Architect had not been denied by the plaintiffs.

4. The reasons stated by the trial court would be sufficient for the purpose of sustaining the order impugned. That apart the appellants would get an opportunity to cross examine the witness and no prejudice would be caused. Thus, the appeal is devoid of merits and stands **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(S.M.S., J.) (M.S.Q., J.)

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dsa

Internet :Yes/No

Index :Yes/No

Neutral Citation :Yes/No

Speaking/Non-speaking order

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