

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.1895 of 2015
and M.P.No.1 of 2015

1.P.Mohan
2.P.Ravichandran

... Petitioners

Vs.

1.Mani @ Devaki
2.Rajendiran

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order of the learned II Additional District Munsif, Salem in I.A.No.435 of 2014 in O.S.No.1163 of 2009 dated 11.11.2014.

For Petitioners : Mr.A.K.Kumarasamy

ORDER

Challenging the fair and decreetal order made in I.A.No.435 of 2014 in O.S.No.1163 of 2009 on the file of the II Additional District Munsif, Salem, the plaintiffs have filed the above Civil Revision Petition.

2.The plaintiffs filed the suit in O.S.No.1163 of 2009 for declaration and permanent injunction. The said suit is being contested by the defendants. The second defendant filed his written statement, which was

adopted by the first defendant, who is the second defendant's wife. After the completion of the evidence on the side of P.Ws, since the first defendant did not enter the witness box, the plaintiffs filed an application in I.A.No.435 of 2014 to issue summons to the first defendant and examine her as Court witness. The said application was opposed by the defendants. The trial Court, after taking into consideration the case of both parties, dismissed the application. In the suit, the second defendant was examined as D.W.1 and 13 documents were marked. Giving cogent reasons for the dismissal of the application, the trial Court has observed that the reasons stated by the plaintiffs in the affidavit to examine the first defendant as a Court witness, cannot be accepted. The reasoning of the trial Court is just and proper.

3.In these circumstances, I do not find any error or irregularity in the order passed by the trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

03.06.2015

To

The II Additional District Munsif,
Salem.

M.DURAIWAMY,J.
va

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