

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

C.R.P.No. 2608 of 2016AndC.M.P.No.13413 of 2016

N.Devarajan ... Petitioner/Petitioner/Plaintiff

Versus

G.Ashok Kumar ... Respondent/Respondent/Defendant

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 06.06.2016 passed in I.A.No. 211 of 2014 in O.S.No. 30 of 2012 by the learned District Court, The Nilgiris, Udhagamandalam.

For Petitioner : Mrs. R.Anitha

O R D E R

The petitioner filed a suit for specific performance in O.S.No. 30 of 2012. The suit was contested by the respondent by filing written statement. Thereafter the petitioner went to trial. The petitioner filed an application in I.A.No. 211 of 2014 to examine a witness by name Tr.M.Chenthamarakshan. The application was dismissed by the learned trial Judge. Feeling aggrieved, the petitioner is

before this Court.

2. Heard the learned counsel for the petitioner.

3. The suit in O.S.No. 30 of 2012 was filed by the petitioner for specific performance. The petitioner adduced evidence and thereafter the respondent also recorded his evidence. The respondent was cross examined by the petitioner and it was only thereafter and more particularly after the closure of evidence, the petitioner filed the application to summon a witness by name Tr.M.Chenthamarakshan. The said witness is neither an attesting witness nor a party to the transaction.

4. According to the petitioner, though the name of the Tr.M.Chenthamarakshan was not mentioned in the document. It was written only by him.

5. There is no question of summoning the witness unconnected with the transaction in question after the closure of evidence. In the plaint, nowhere the petitioner has made a mention that the document was actually written by Thiru.M.Chenthamarakshan. The learned Judge has rightly dismissed the application.

6. I do not find any illegality or error in the said order, warranting interference by this Court.

7. The Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

27.09.2016

vsg

To

District Court, The Nilgiris, Udthagamandalam.

K.K.SASIDHARAN, J.

vsg

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