

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2017

CORAM

THE HONOURABLE Mr. JUSTICE M.SUNDAR

C.R.P.(PD) No.1034 of 2017
and C.M.P.No.5022 of 2017

D.Chinnadurai

.. Petitioner

..VS..

N.Duraisamy

.. Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order made in I.A.No.137 of 2016 in O.S.No.152 of 2014 dated 11.11.2016 on the file of the District Munsif Court, Perambalur.

For Petitioner : Mr.K.Selvarangan

ORDER

Plaintiff in the trial Court is the revision petitioner before me.

2.First defendant in the trial Court took out an application under Order XVIII Rule 16 of the Code of Civil Procedure, 1908 (hereinafter referred as

'C.P.C.' for brevity) with a prayer to examine the first defendant immediately.

3.It is not in dispute that the first defendant is now 96 years old.

4.The main suit is one for partition and separate possession. After hearing both sides, the trial Court by an order dated 11.11.2016 allowed the application for examining the 96 year old first defendant immediately. As against this, the plaintiff has preferred the instant civil revision petition.

5.I have perused the order of the trial Court. The order of the trial Court is one where I do not find any infirmity or illegality. I find no reason to interfere.

6.This Court is of the view that when a 96 year old litigant comes up with a prayer that he should be examined immediately, the prayer has to be acceded to and the trial Court has rightly done so.

7.Therefore, I am not interfering with the order of the trial Court in this matter. The Civil Revision Petition lacks merits and is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

04.04.2017

Index:Yes/No

kj

To

The District Munsif Court, Perambalur.

M.SUNDAR, J.

kj

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