

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

CRP.PD.No.3032 of 2017 and
CMP.No.14405 of 2017

P.Muthusamy

.. Petitioner

Vs

Arunachalam (died)

1. A.Balasubramaniam

2. A.Paramasivam

3. The Revenue Divisional Officer,
Revenue Divisional Office,
Tirupur.

4. The Tahsildar,
Taluk Office, Tirupur.

.. Respondents

Civil Revision Petition filed under Article 227 of the
Constitution of India against the order and decretal order dated
11.07.2017 made in I.A.No.565/2017 in O.S.No.224/2009 on the
file of the District Munsif, Tirupur.

For petitioner : Mr.M.Devendran

For Respondents : ...

ORDER

The present Civil Revision Petition is directed against the dismissal of the petition filed by the petitioner herein/1st defendant to reopen the evidence on the side of the defendant in O.S.No.224/2009 and to examine the official defendants 2 and 3.

2. Before the trial court, the official defendants have remained ex-parte and they have not come forward before the court to let in evidence. Therefore, the petitioner herein/1st defendant has sought to reopen the case and examine the defendants 2 and 3. The trial court has held that in order to prove the version of the 1st defendant, he cannot compel the official defendants 2 and 3 to let in evidence. It is always open to him to adduce suitable oral and documentary evidence.

3. Therefore, this Court do not find any discrepancy in the order passed by the trial court. It is always open to the petitioner to issue subpoena to call for any official witness to let in evidence in respect of a particular issue under their purview. Therefore, the official defendants cannot be compelled to let in

evidence.

4. With the above observation, the Civil Revision Petition is dismissed. However, the petitioner is at liberty to work out his remedy in the manner known to law. No costs. Consequently, connected Miscellaneous Petition is also closed.

28.08.2017

Note : Issue order copy on 20.09.2017
tsi

To

The District Munsif, Tirupur.



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M.GOVINDARAJ, J.

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