

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.07.2018

CORAM :
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.R.P.No.3407 of 2011 and
M.P.No.1 of 2011

Jaya @ Jayalakshmi

... Petitioner

Vs

S. Padma @ Padmavathi

...Respondent

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order of the Principal District Munsif Court, Namakkal, dated 11.08.2011 in I.A.No.416 of 2011 in O.S.No.25 of 2009.

For Petitioners : Mr.G.R.M. Valliappan

For Respondents : Mr.V.K.Vijayaraghavan

ORDER

The present Civil Revision Petition is preferred by the petitioner against the fair and decreetal order of the Principal District Munsif Court, Namakkal, dated 11.08.2011 in I.A.No.416 of 2011 in O.S.No.25 of 2009.

2.It is the case of the petitioner that the learned Trial Judge had allowed the petition filed by the respondent, seeking to examine the proposed witnesses as Court Witness which is erroneous and contrary to law and beyond the scope of Order 16, Rule 14, of the Code of Civil procedure. Against that the petitioner has preferred present Civil Revision Petition. Further, the petitioner submits that even prior to completing the evidence of defendant, the lower Court allowed the I.A.No. 416 of 2011 to examine as Court Witness. Further, he contend that the Court witness can be allowed only after completing the defendant side evidence. In the present case defendant side evidence not completed till date.

3.The learned counsel for the respondents submitted that the Trial Court was rightly permitted to examine Mr.V.Krishnamoorthy and C.Thangaraj as they stood as witness in the settlement deed executed by the father of the respondent. However, he further submit that he has no objection to examine V.Krishnamoorthy and C.Thangaraj to enquire as Court witness after the completion of defendant evidence.

4. Heard both sides and perused the materials available on record.

5. Both the counsel for the petitioner and the respondent agreed to examine these two witnesses after completing the evidence of defendant, if necessary.

6. In the light of the above observation this petition is disposed of with a direction to the learned Trial Judge to consider and examine the witness in I.A.No.416 of 2011 after completing the defendant side evidence. Accordingly, this Civil Revision Petition stands closed. No Costs. Consequently, connected Miscellaneous Petition is also closed.

06.07.2018

Index: Yes/No
Internet: Yes/No
Speaking Order/Non Speaking Order
smn

To.

The Principal District Munsif Court,
Namakkal.

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KRISHNAN RAMASAMY, J.

smn



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