

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2018

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P.(PD) No.3187 of 2016 and C.M.P.No.16207 of 2016

Rajamanickam ... Petitioner/Defendant

Vs.

R.Dharmalingam ... Respondent/Plaintiff

This Civil Revision Petition is filed under Article 227 of the Constitution of India against the docket order, dated 16.11.2015 made in I.A.No.383 of 2013 in O.S.No.1088 of 2012 on the file of I Additional District Munsif, Salem.

For Petitioner : Mr.C.Prakasam
For Respondent : Mr.P.Dinesh Kumar

ORDER

सत्यमेव जयते

According to the petitioner, the respondent herein filed a suit in O.S.No.1088 of 2012 before the I Additional District Munsif, Salem for declaration and permanent injunction. The third defendant/petitioner herein has filed an application in I.A.No.383 of 2013 to amend the plaint. The third defendant/petitioner herein shown as insane person. The trial court suo motu

referred to the petitioner to medical board to obtain report as to ascertain the status of the petitioner. Challenging the aforesaid order, the petitioner has filed the Civil revision petition before this Court.

2 On perusal of the grounds in the civil revision petition, the petitioner has stated that the petitioner has been falsely implicated in the suit and in the plaint averments, petitioner is stated as insane person in the suit. Further, according to the petitioner, subject matter of the suit is noway connected with the petitioner and the petitioner has been unnecessarily implicated as party. Petitioner has raised grounds on merit of the suit. Further, petitioner himself has stated that the petitioner is nothing to do with the suit property. Whether he is insane person or not, same can be decided at the time of trial in the suit. The court below suo motu referred to the petitioner to medical board for examination of the petitioner. Therefore, if necessary, it is open to the parties to file an appropriate application at later stage. Therefore, the order of suo motu reference passed by the court below referring the petitioner to medical board is set aside. In so far as the amendment application is concerned, it is open to the court below to consider the maintainability of the amendment application as contended by the learned counsel for the respondent.

The Civil revision petition is allowed in so far as suo motu reference of the petitioner to medical board is concerned. No costs. Connected miscellaneous petition is closed.

22.2.2018

Speaking/Non Speaking order
Index: Yes/No
vaan

To
The I Additional District Munsif, Salem



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D.KRISHNAKUMAR, J.

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