



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.M. BASHEER AHAMED

CRP (PD) (MD) No. 15 of 2018

and

CMP (MD) No. 75 of 2018

1. P. Palaniyandi
2. P. Malaiyandi
2/Defendants 1 & 2

... Petitioners/Respondents 1 &

Vs.

1. M. Saratha
2. P. Ramamoorthy
3. R. Eswari
4. Irulayee
5. M. Amudha
6. M. Nagarajan
7. M. Malliga
8. M. Jeyanthi
9. M. Kalaimani
10. M. Chandrakala
11. R. Lakshmi
12. R. Rathi

... 1st Respondent/Petitioner/Plaintiff

... Respondents 2 to 12/Respondents 3 to 13/
Defendants 3 to 11

PRAYER: This Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records relating to the fair and decreetal order dated 22.09.2017 passed in I.A.No.454 of 2017 in O.S.No.797 of 2012 pending on the file of the learned Principal Sub Judge, Madurai and set aside the same.

For Petitioners : Mr.D.Malaichamy
For Respondents : Mr.M.S.Balasubramania Iyer

ORDER

The learned counsel for the petitioners and the learned counsel for the respondents are present.

<https://hcservices.courts.gov.in/hcservices> 2. Hear both sides.



3.The present revision is preferred against the order passed by the trial Court appointing an Advocate Commissioner to examine the plaintiff in the house of the plaintiff's sister at No.3, Mudaliar South Street, Tallakulam, Madurai 2 due to the inconvenience and also the ailments of the plaintiff.

4.The learned counsel for the revision petitioner submitted that the plaintiff is suffering age related ailments, however, she has falsely stated that she is unable to come to Court for giving evidence. However, there is no prejudice to examine the plaintiff in the presence of the defendants and their counsel before the Advocate Commissioner.

5.Considering the facts and circumstances of the case, this Court is not inclined to interfere with the impugned order passed by the trial Court. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Principal Sub Judge,
Madurai.

+1cc to M/S.D.MALAICHAMY, Advocate SR.No.40763.

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SDS/GT/SAR 4/29.01.2018/2P/3C

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