

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P(PD).No.661 of 2019

&

C.M.P.No.4387 of 2019

E.Dayalan (Died)

P.S.Nagappan (Died)

R.Moorthy

N.Kothandapani (Died)

...Petitioner

Vs

PM.Ramalingam

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order made in I.A.No.182 of 2018 in O.S.No.171 of 2006 dated 13.10.2018 by the learned Principal Subordinate Judge, Chengalpattu.

For Petitioner : Mr.D.Murthy

For Respondent : Mr.M.S.Subramanian

ORDER

The above Civil Revision Petition is filed challenging the order passed by the Principal Subordinate Judge, Chengalpet in I.A.No.182 of 2018 in O.S.No.171 of 2006 in and by which the application filed by the plaintiff/revision petitioner to eschew the evidence of C.W.1, Tahshildar recorded on 09.01.2018 was dismissed.

2.The grievances that the revision petitioner would put forward is that the witness had not produced the document that he had requested and he had not been given an opportunity to cross examine the said witness. It was only the defendants who had examined the witness and being the dominus litis he had been prevented from examine the official witness. The said application was resisted by the respondent/defendant by contending that the witness had appeared before the Court and neither the plaintiff nor their counsel was present for the examination. Therefore the Court proceeded to examine the witness and permitted the defendants to cross examine the witness. The witness has marked the A register pertaining to the year 1911 to 1986 in respect of the Survey No.53, 54/1, 54/2 of Perumattunallur Village, Chengalpet. Apart from marking A register field measurement

book, Patta, Chitta etc., were also marked as Ex.C.1 to Ex.C.6.

3.After having examined the C.W.1 in such great detail the evidence cannot be eschewed at this stage. The learned Principal Judge has rightly dismissed the application. I find no infirmity in the order passed by the learned Subordinate Judge, Chengalpattu.

In the result, the Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is also closed.

01.03.2019

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Index : Yes/No
Speaking order/non-speaking order

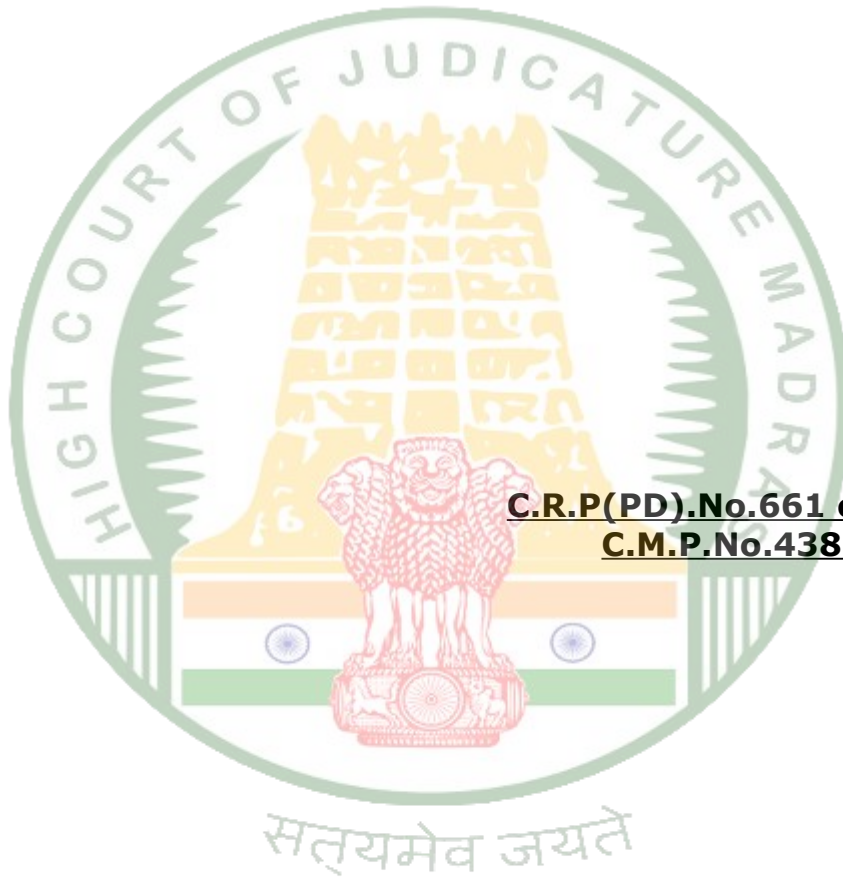
To,

The Principal Subordinate Judge,
Chengalpattu.

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P.T.ASHA, J.,

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