



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 20.12.2019

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

C.R.P.(PD) (MD)No.2356 of 2019
and
C.M.P. (MD)No.12459 of 2019

M.Gunaseelan

.. Petitioner

Vs.

V.Rathinavel

.. Respondent

Prayer : This Civil revision petition is filed under Article 227 of Constitution of India, to set aside the order and decretal order dated 25.09.2019 made in I.A.No.747 of 2017 in O.S.No.533 of 2015 on the file of the Principal Subordinate Judge, Karur.

For Petitioner : Mr.R.Devaraj

ORDER

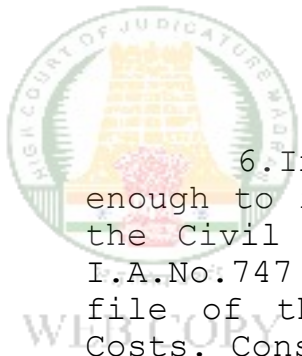
Heard the learned counsel appearing for the petitioner.

2.This Civil Revision Petition has been filed against the order passed in I.A.No.747 of 2017 in O.S.No.533 of 2015 dated 25.09.2019, on the file of the Principal Subordinate Judge, Karur.

3.On the side of the petitioner, it is stated that leading questions were asked in the chief examination of D.W.1 and the same is against Section 144 of the Indian Evidence Act. The document, Ex.B6 receipt was marked. The alleged receipt is said to have been given by one M/s.Sri Vinayaka Enterprises, whereas the plaintiff is not a partner in the firm. The petition to strike off evidence of D.W.2 was dismissed by the trial Court. Against which, the petitioner preferred this Civil Revision Petition.

4.It is seen that after the amendment in the year 2002, the chief examination can be by way of filing an affidavit.

5.In the above circumstances, the question of asking leading questions will not arise. If the petitioner is having grievance over the marking of the documents, he can object the same before the trial Court at the time of trial or he can adduce rebuttal evidence against that document before the trial Court.



6. In the above circumstances, there is no reason sufficient enough to interfere in the orders passed by the trial Court. Hence, the Civil Revision Petition is dismissed and the order passed in I.A.No.747 of 2017 in O.S.No.533 of 2015 dated 25.09.2019, on the file of the Principal Subordinate Judge, Karur is confirmed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MRN

To

The Principal Subordinate Judge, Karur.

+1 CC to Mr.R.DEVARAJ, Advocate (SR-106296[F] dated 20/12/2019)

C.R.P. (PD) (MD)No.2356 of 2019
20.12.2019

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