



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 07.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

C.R.P (MD) No.965 of 2020

and

C.M.P. (MD) No.6375 of 2020

Ganapathiappa Nadar

...Petitioner/Petitioner/defendant

Vs.

Senthil Kumar

.. Respondent/Respondent/Plaintiff

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order dated 11.12.2019 made in I.A.No.2 of 2019 in O.S.No.186 of 2012 on the file of the Principal Subordinate Court, Srivilliputhur and allow the same.

For Petitioner : Mr.P.M.Vishwananthan
for M/s.A.Balaji

O R D E R

It is a strained situation, where the defendant has filed an application in I.A.No.2 of 2019 under Order 18 Rule 3(A) CPC., to examine the farmer advocate of the plaintiff as his witness before his own examination and to produce certain documents through him. This petition was dismissed by the trial Court. Hence, the revision.

2. The learned counsel for the revision petitioner submitted that it is a case that on the same cause of action both the plaintiff and his own labour, who was examined as P.W.2 have raised separate claims earlier through the lawyer, who is now required to be summoned to decide the slot of the revision petitioner.

3. This Court is not impressed with the strategy. If there is one cause of action through two different people and both of them have been examined, it is first necessary to cross examine these witnesses on this aspect and then, adduce evidence to project the case. After all, civil cases are decided by preponderance of probabilities and the scale gets silted with the quality of the rebuttal evidence. Summoning the learned counsel for the opposite



side may tantamount to summoning the party himself and under Section 129 of the Indian Evidence Act, the communications between the parties and their counsel are privileged. Therefore, the revision petitioner is well advised to rework his strategy.

4. In conclusion, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

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Sub Assistant Registrar(CS)

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To

The Principal Subordinate Judge,
Srivilliputhur.

C.R.P (MD) No. 965 of 2020

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