

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(PD) No.1954 of 2015
and M.P.No.1 of 2015

Veeravermalle Petitioner

Vs.

1. Dr.M.Veeran
2. Mangaiaammalle Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 06.06.2014 passed in I.A.No.328 of 2014 in O.S.No.14 of 2006 by the learned Family Court Judge, Pondicherry.

For Petitioner : Mr.B.Balavijayan

For Respondents

For R1 : Mr.M.Arunkumar
For Mr.K.S.Karthick Raj
For R2 : Notice served

ORDER

This revision petition is directed against the fair and decretal order dated 06.06.2014 passed by the learned Family Court Judge, Pondicherry, in I.A.No.328 of 2014 in O.S.No.14 of 2006, thereby partly rejected the petition filed by the petitioner to examine the witness as P.W.4.

2. The petitioner is the plaintiff. She filed the above suit for declaration declaring that she is the legitimate daughter born to her parents viz., the respondents 1 & 2 herein. Pending the suit, she filed an application to receive the list of witnesses furnished by her and to examine the witnesses to prove her case. The Court below allowed the said application to examine all the witnesses except the witness No.4. The witness No.4 is the Registrar of Marriage. According to the petitioner, to prove the fact that the respondents 1 & 2 were living together and begotten the petitioner as their child, the Marriage Registrar has to be examined.

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3. On perusal of Ex.A.6, it revealed the fact that it was issued by the witness No.4 viz., the Registrar of Marriage. Ex.A.6 is a notice of

intended marriage between the respondents 1 & 2 herein. On perusal of plaint, the petitioner did not plead about the notice of intended marriage issued by the witness No.4. Therefore, there cannot be any evidence without pleadings. Hence, the Court below rightly rejected the application insofar as the witness No.4 is concerned and permits the petitioner to examine the witnesses No. 1 to 3 and 5. Therefore, this Court finds no infirmity or illegality in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition stands dismissed. However, considering the fact that the suit is of the year 2006, the trial Court is directed to complete the trial within period of six months from the date of receipt of a copy of this Order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

04.01.2021

Internet : Yes
Speaking order/Non-speaking order

rts

G.K.ILANTHIRAIYAN, J.

rts

To

1. The Family Court Judge,
Pondicherry
2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.



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