

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2021

CORAM

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

CRP.PD.No.3409 of 2016

Dr.Indira Krishnan Dasgupta
Rep by her Power Agent,
Mrs.Damayanti Ramachandran,
No.20, ATD Street, Race Course,
Coimbatore 641 018

..Petitioner

Vs.

1.V.M.Kamalam
2.Dr.V.P.Shanmugasundaram
3.Nirmala
4.Poogothai
(respondents 3 and 4 rep by their
General Power of Attorney
Agent Dr.V.P.Shanmugasundaram)

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the I.A.No.958 of 2016 in OS.No.29 of 2013 on the file of the District Munsif Court, Ootacamund District.

For Petitioner : Mr.R.Vivek Ananthan

For Respondents : Mr.Karthic Raja
for Mr.G.Karthikeyan

ORDER

The present Civil Revision Petition is filed for direction directing to fix date for cross examination of the petitioner herein.

2. The petitioner is the plaintiff. She filed suit for declaration as against the respondents herein. Since the petitioner is residing in United States of America, she could not be present for cross examination before the trial court. Therefore, she requested the trial court to fix date for cross examination so that she can be able to come before the trial court for cross examination. The said petition was not considered. Therefore, the petitioner could not be able to appear before the trial court for cross examination and as such the suit itself was dismissed for default. Aggrieved by the same, the petitioner filed petition to restore the suit and the same was also dismissed, against which she also preferred CMA and it is pending on the file of the first appellate court. Therefore nothing survives in the present civil revision petition.

3. Accordingly, this civil revision petition is dismissed. However, if the main suit is restored on file, the trial court is directed to fix a particular date for cross examination so that the petitioner can be able to come before the trial court for cross examination through video

conference or by personal appearance before the court below. No order as to costs.

22.01.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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G.K.ILANTHIRAIYAN,J.

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To

The District Munsif Court,
Ootacamund District.



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