

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2021

CORAM

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

CRP.PD.No.790 of 2017

and

CMP.No.3908 of 2017

1.Chinnakannu
2.Anjalai

..Petitioners

Vs.

Mangayi

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the order and decretal order passed in IA.No.1120 of 2016 in OS.No.55 of 2013 on the file of the III Additional District Judge, Kallakurichi dated 08.11.2016

For Petitioners : Mr.V.Raghavachari

For Respondent : Mr.S.Ramajayam

ORDER

This civil revision petition is filed against the order and decretal order passed in IA.No.1120 of 2016 in OS.No.55 of 2013

on the file of the III Additional District Judge, Kallakurichi dated 08.11.2016, thereby allowing the petition to permit the respondent's husband to depose on behalf of the respondent.

2. The respondent is the plaintiff and the petitioners are the defendants. The respondent filed suit for bare injunction. While pending the suit, the respondent filed petition seeking permission to examine her husband on behalf of her for the reason that she is aged person and she fell ill. Therefore, she cannot able to come to the court for evidence.

3. The learned counsel for the petitioners raised only one ground that the respondent failed to produce any medical record to show that she fell ill and she is not able to be present before the trial court for evidence.

4. Admittedly, the respondent is aged about 55 years at the time of filing the petition and due to her old age, she is suffered with old age ailments. Therefore, she sought permission to depose only through her husband. The suit is for bare injunction and admittedly, the respondent and her husband are living together. Therefore, her husband can very well depose before the trial court on

behalf of the respondent. As such, this Court finds no illegality or infirmity in the order passed by the court below.

5. Accordingly, this civil revision petition is dismissed. However, considering that the suit is of the year 2013, the trial court is directed to dispose of the suit within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. No order as to costs.

01.04.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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G.K.ILANTHIRAIYAN,J.

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To

The III Additional District Judge,
Kallakurichi



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