



CRP.No.2123 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2022

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Civil Revision Petition [PD] No.2123 of 2015

& M.P.No.1 of 2015

1. Janardhanan @ Elumalai
2. M.Jaya Murugan

... Petitioners

..Vs..

1. N.Elumalai
2. The Sub Registrar,
Vanur.
3. Chandra
4. Jayalakshmi

... Respondents

Prayer: Civil Revision Petition has been filed under 227 of Constitution of India against the Order dated 30.01.2015 made in I.A.No.554 of 2014 in O.S.No.118 of 2012 dated 17.10.2016 on the file of the District Munsif cum Judicial Magistrate at Vanur.

For petitioners : Mr.D.Rajagopal



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For respondents : Mr.N.Subramani – R1
Mr.P.Harish –R2
R3 and R4 – No appearance

ORDER

Challenging the dismissal of the application filed to reject the documents filed by P.W.1 in I.A.No.554 of 2014 in O.S.No.118 of 2012 dated 17.10.2016, the present revision has been filed.

2. The brief averments of the application filed by the petitioner is as follows :

The petitioners are the defendants in the main suit and they had filed an application to reject the documents marked through P.W.1 stating that as P.W.1 is not a party to the documents, he cannot talk about the said transactions and hence, the present petition has been filed.

3. It is the contention of the first respondent/plaintiff that in view of the physical and mental condition of the first respondent/plaintiff, his son



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has been examined as P.W.1 and there is no prohibition to examine the son.

The validity or admissibility of the documents can be decided at the time of the judgment and prayed for dismissal of the application.

4. After considering the submissions of both sides, the Court below dismissed the application against which the present revision has been filed.

5. The main contention of the petitioners is that as P.W.1 is not a party to the documents filed on behalf of the plaintiff, he has no knowledge about the documents and hence, Ex.A.1 to Ex.A.11 marked through P.W.1 have to be rejected. The contention of the first respondent/plaintiff is that he is aged 88 years and he is not in good health and in mental condition for the past one year and he is taking treatment and he does not want to be examined as a witness. Therefore, P.W.1, who is the son of the plaintiff, has been examined on behalf of the plaintiff and Ex.A.1 to Ex.A.11 have been marked through him. Hence, there is no bar in examining P.W.1, when the party to the suit is not to be examined at a later stage. The trial Court considering all these aspects has rightly dismissed the application, which



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requires no interference.

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6. Accordingly, this Civil Revision Petition is dismissed.

Consequently, connected miscellaneous petition is closed. No costs.

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vrc

Index:yes/no

Internet:yes

To

The District Munsif cum Judicial Magistrate,
Vanur.



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J.NISHA BANU, J.

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