



C.R.P (PD) No.1261 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM :

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

C.R.P. (PD) No.1261 of 2020

and

C.M.P.No.6849 of 2020

K.R.Mani

... Petitioner/Plaintiff

Vs.

1.Sengodan

2.Madhu

3.Ramayi

... Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order, dated 12.02.2020, in I.A.No.3 of 2020 in O.S.No.176 of 2011 on the file of District Munsif Court Mettur.

For Petitioner : Mr.R.Vivekanandan
for Mr.R.Subramanian

For Respondents : No appearance



ORDER

This revision is filed by the plaintiff, challenging an order dated 12.02.2020 passed in I.A.No.3 of 2020 in O.S.No.176 of 2011, by the learned District Munsif, Mettur, dismissing the plaintiff's prayer for summoning certain witness on his side. This is resisted by the defendant on the ground that the suit property belongs to the defendant, and that the plaintiff wants to rely on certain patta which came to be issued in his favour fraudulently by the Revenue Authorities, and that it has been subsequently cancelled and that the present I.A.No.3/2020 was filed only to delay the proceedings. After considering the rival submissions, the trial Court dismissed the said prayer of the plaintiff to summon the Village Administrative Officer, and hence, the plaintiff is before the Court in this revision.

2.Heard Mr.R.Vivekanandan, learned counsel appearing for the revision petitioner.

3. At the outset, this Court wants to state that, if delay is a ground for dismissing the petitioner's prayer for summoning the witness, then, by passing the very order, delay has been allowed to intervene. Turning to the



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merits of the matter, the contention of the defendants apart, the plaintiff must have his free space to produce evidence, and if at all there is any objection to its relevancy, it may have to be tested only at the time of final adjudication. It may not be appropriate to short-circuit the trial by denying any of the parties a reasonable opportunity to place evidence of their choice before the Court, subject only to relevancy and admissibility. They cannot be prejudged, and the Court may have to wait till the entire materials are made available before the Court.

4. The respondents/defendants have been served by the Court and they have not entered appearance.

5. In fine, this Court concludes that the order passed by the trial Court in I.A.No.3 of 2020 in O.S.No.176 of 2011 has to be interfered and is set aside. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected C.M.P.No.6849 of 2020 is closed.

16.03.2022

dk/mkn

Index : Yes/No

Internet : Yes

Speaking /Non Speaking order



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N.SESHASAYEE, J.

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Copy to :

The District Munsif,
Mettur.

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