



C.R.P.(PD).No.1502 of 2022 and
C.M.P.No.7656 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 16.06.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

C.R.P (PD).No.1502 of 2022 and
C.M.P.No.7656 of 2022

Soundararajan

... Petitioner

Vs.

- 1.Mrs.Rani Bala Kumari Nachiar
- 2.Mrs.Usha Nandini
- 3.Mrs.Udaya Banu
- 4.Mrs.Gayathri Devi
- 5.Mrs.Durga Devi
- 6.Mr.Sevuga Pandian Alias Vignesh
- 7.Dewan Bahadur M.O.Parthasarathy
- 8.K.Jayarani @ Ganapathy Muthu Senthatti
Veerammal Nachiar (Deceased)
- 9.V.Mayilvarthini
- 10.S.K.Jaganathan
- 11.Kumari alias Shenthatti Veerammal Nachiar
- 12.B.Kuttiraja @ Kutti Durai
- 13.M.Pushpa & Kannamma Nachiar
- 14.G.Periyana Pandian
- 15.Tmt.K.Kulandai Rani
- 16.M.Venkatachalapathy
- 17.Ms.Radha
- 18.T.Meena
- 19.Tmt.Gomathy
- 20.M.Sankaranarayanan

... Respondents



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PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order of the Hon'ble V Additional City Civil Court, Chennai dated 23.12.2021 in I.A.No.8 of 2021 in O.S.No.11864 of 2010.

For Petitioner : Mr.D.Udhayasuriyan

ORDER

This civil revision petition has been filed to set aside the fair and decreetal order of the Hon'ble V Additional City Civil Court, Chennai dated 23.12.2021 in I.A.No.8 of 2021 in O.S.No.11864 of 2010.

2. Heard the learned counsel for the petitioner.

3. The petitioner is the third defendant in the suit. The respondents 1 to 6 / plaintiffs filed a suit for declaring the sale deed executed in favour of seventh respondent as null and void. After the trial was commenced, the first plaintiff was examined as P.W.1 and she was cross examined by the first defendant. Since the other defendants did not choose to cross examine P.W.1, the evidence of the P.W.1 was closed. In fact, on 01.11.2021, the defendants 3, 10 to 15 endorsed “no oral evidence”. Thereafter, the case was posted for



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arguments. At this stage, the revision petitioner filed a petition to recall P.W.1 for the purpose of cross examining P.W.1 from his side. The said petition was dismissed. Aggrieved over the same, this civil revision petition has been preferred.

4. The learned counsel for the petitioner submitted that being a party to the suit, he ought to have been given opportunity to cross examine P.W.1. But, the learned Trial Judge denied the opportunity to cross examine P.W.1.

5. When P.W.1 was cross examined, the other defendants did not choose to cross examine. It is not the contention of the petitioner / third defendant that the first defendant has colluded with P.W.1. Had it been the case, the third defendant would not have endorsed “no oral evidence” along with the other defendants after P.W.1 was cross examined by the first defendant. Further, the learned Trial Judge has made a clear observation that the scope of the suit lies in a narrow campus and to decide whether the suit is within the period of limitation or not. So, the learned Trial Judge is right in denying the relief sought for by the petitioner. I find no reason for interference.



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6. Accordingly, this civil revision petition stands dismissed and the order dated 23.12.2021 in I.A.No.8 of 2021 in O.S.No.11864 of 2010, passed by the Hon'ble V Additional Judge, City Civil Court, Chennai, is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

Index: Yes/No
Speaking / Non Speaking Order
gsk

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To
V Additional City Civil Court,
Chennai.



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R.N.MANJULA, J

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