



C.R.P.(PD) No.1551 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

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THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.R.P.(PD).No.1551 of 2022

and

C.M.P No.7842 of 2022

T.Kannan

... Petitioner

Vs.

C.Kanniyappan

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 03.12.2021 passed in I.A.No.169 of 2021 in O.S.No.68 of 2008 by the District Munsif Arakkonam, Vellore District and allow this Civil Revision Petition.

For Petitioner : Mr.S.Vijayanand

ORDER

This Civil Revision Petition has been filed challenging the order of the learned District Munsif, Arakkonam, Vellore District, dated 03.12.2021 passed in I.A.No.169 of 2021 in O.S.No.68 of 2008.



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2. The petitioner is the defendant in the suit and has filed a petition to recall CW1 and examine him further by stating that some of the pertinent aspects about the factum of possession of the suit property was omitted to be questioned to CW1. The learned trial Judge dismissed the petition. Aggrieved over that, this civil revision petition is preferred.

3. The learned counsel for the petitioner submitted that despite the examination of CW1 was done at length, the witness was not confronted about the factum of possession over the suit property.

4. It is seen from the evidence of CW1 that there were questions posed to him about the person who is in enjoyment of the property and for which CW1 has stated that he did not have any idea. Having got such an answer, no amount of oral evidence could help to either of the parties to prove their respective possession over the suit property, except by way of producing relevant documentary evidence. The learned trial Judge is right, in dismissing the petition by properly appreciating its scope. In my opinion, I do not find any reason for interference.



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5. Accordingly, the Civil Revision Petition is dismissed and the fair and decretal order passed in I.A.No.169 of 2021 in O.S.No.68 of 2008 dated 03.12.2021 by the District Munsif Arakkonam, Vellore District, is hereby confirmed. No Costs. Consequently, connected Miscellaneous Petition is closed.

08.06.2022

Index : Yes/No
Speaking Order : Yes / No
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To

1. The District Munsif Arakkonam,
Vellore District.
2. The Section Officer,
VR Section, Madras High Court,
Chennai.



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R.N.MANJULA, J.,

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