



C.R.P. No. 1633 of 2019

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

**C.R.P.No. 1633 of 2019
and
C.M.P. No. 10691 of 2019**

**Panneerselvam
S/o. Chinnusamy**

... Petitioner

Versus

- 1. The District Collector,
O/o District Collectorate,
Tiruchengode Main Road,
Namakkal Dist.**
- 2. The Revenue Officer,
Tiruchengode Main Road,
Namakkal Dist.**
- 3. The Revenue Divisional Officer,
Katcheri Road,
Tiruchengode.**
- 4. The Tahsildar,
Katchery Road,
Tiruchengode.**

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5. The Revenue Inspector,
Tiruchengode Firka,
Tiruchengode Tk,
Namakkal Dist.
6. The Village Administrative Officer,
Karuveppampatti Village And Post,
Tiruchengode Town And Tk.
7. The Assistant Divisional Officer,
Opposite To Government Hospital,
Vellore Road, Tiruchengode.
8. The Assistant Engineer,
Opposite To Government Hospital,
Vellare Road
Tiruchengode.

... Respondents

PRAYER : Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the fair and decreetal order dated 05.12.2017 made in I.A.No.458 of 2016 in O.S.No.361 of 2012 on the file of Principal District Munsif, Tiruchengode.

For Petitioner	: Mr.R.Marudhachalamurthy
For Respondents	: Mrs. P.Vijaya Devi, Govt. Advocate for R1 to R8



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ORDER

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Challenging the order passed in I.A. No.458 of 2016 by the learned Principal District Munsif, Tiruchengode, the plaintiff preferred this Civil Revision Petition.

2. The Revision Petitioner is the plaintiff filed a suit in O.S.No. 361 of 2012 for the relief of declaration and injunction in respect of the suit property against Government Officials. The title of plaintiff is denied by the authorities and they claimed that the plaintiff has encroached the suit property. Thereafter, when the suit was posted for trial, the plaintiff filed an application in I.A.No.458 of 2016 under Sec.119 and 120 of Evidence Act and Sec.151 of C.P.C. praying to examine his wife Mrs.Suganthi as P.W.1 because he is unable to speak and could not read and write. So also, he was mentally affected. The said application was strongly objected by the defendants stating that if he really affected mentally, he ought to have filed a suit by appointing a guardian through court of law. On hearing both sides, not believing the version stated by the plaintiff, the trial court dismissed the application. Challenging the said findings, the plaintiff preferred this Civil Revision Petition.



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3. The learned counsel for Revision Petitioner submitted that after filing of the suit, plaintiff was suffered with some sort of illness and he was unable to understand properly. But, admittedly, the application was filed stating that as he is suffering from mental illness, he could not examine himself as P.W.1, he wanted to examine his wife as P.W.1. So, the plaintiff was advised to file a fresh application by giving the power of attorney to his wife to examine her on his side. Accordingly, with this observation, this Civil Revision Petition is dismissed. However, since the suit is pending from the year of 2012, the trial court is directed to proceed with the trial and dispose the case within a period of six months from the date of receipt of copy of this. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

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Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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To

Principal District Munsif,
Tiruchengode.

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T.V.THAMILSELVI, J.

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