



C.R.P.(PD) No.1691 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.R.P.(PD).No.1691 of 2022
and C.M.P.No.8492 of 2022

Vijayalakshmi

... Petitioner

Vs.

N.Karuppusamy

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 24.03.2022 made in I.A.No.132 of 2022 in O.S.No.212 of 2019 on the file of the Subordinate Judge, Avinashi.

For Petitioner : Mr.C.Prabakaran

ORDER

This Civil Revision Petition has been filed challenging the order of the learned Subordinate Judge, Avinashi, dated 24.03.2022 made in I.A.No.132 of 2022 in O.S.No.212 of 2019.



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2. The revision petitioner is the plaintiff in the suit and the respondent/defendant has filed a petition seeking permission of the Court to examine his 90 year old father before examining the witnesses on the plaintiff's side. The learned trial Judge has allowed I.A.No.132 of 2022 with costs. Aggrieved over this, the petitioner has preferred this petition.

3.The anxiety of the respondent to examine the defendant side witness, namely Nachimuthu Gounder @ Nachiyappa Gounder before initiating the plaintiff's evidence is due to his age and mental state. Admittedly, the father of the respondent is 90 years old. So the anxiety of the respondent seeking permission of the Court to examine Nachiyappa Gounder first is understandable. The learned trial Judge has also considered the genuine reason stated by the petitioner and allowed the petition.

4.The petitioner will not be prejudiced if Nachiyappa Gounder is allowed to get himself examined first. If the permission is not granted, there cannot be any assurance that the evidence of Nachiyappa Gounder would be available at any future point. In view of the age and health condition, I do not find any grounds for interference.



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5. Accordingly, the Civil Revision Petition is dismissed and the fair and decretal order dated 24.03.2022 made in I.A.No.132 of 2022 in O.S.No.212 of 2019 passed by the learned Subordinate Judge, Avinashi, is hereby confirmed. No Costs. Consequently, connected Miscellaneous Petition is closed.

13.06.2022

Index : Yes/No
Speaking Order : Yes / No
vkr

To

- 1.The Subordinate Judge,
Avinashi.
- 2.The Section Officer,
VR Section, Madras High Court,
Chennai.



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R.N.MANJULA, J.,

vkr

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