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C.R.P.(PD) No.1750 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

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THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.R.P.(PD).No.1750 of 2022
and C.M.P.No.8811 of 2022

K.Shanmugavel Mudaliar

... Petitioner

Vs.

1.The State of Tamil Nadu

Rep by the Secretary to Government,
Tamil Development & Religious Endowment
Information Department, Fort St. George,
Chennai 600 009.

2.The Commissioner

Hindu Religious & Charitable Endowment
Administration Department,
Nungambakkam, Chennai 600 034.

3.The Joint Commissioner,

Hindu Religious & Charitable Endowment
Administration Department,
Kanchipuram, Kanchipuram District

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 27.04.2022 in O.S.No.118 of 2009 of the Additional District Munsif Court, Alandur, as regards the corrections to be made to the deposition of P.W.1 and consequently permit



the corrections as pointed out by the P.W.1 in his deposition as recorded in O.S.No.118 of 2009.

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For Petitioner : Mr.T.Saikrsihnan
For respondents : Mr.P.Harish
Government Advocate

ORDER

This Civil Revision Petition has been preferred challenging the docket order dated 27.04.2022 of the learned Additional District Munsif, Alandur made in O.S.No.118 of 2009. The operative portion of the impugned order dated 27.04.2022 reads as follows:

“I.A.2/22 Counter not filed. For counter call on 06.06.2022 O.S.118 /2009 PW1 present. Counsel for plaintiff present. PW1 is cross examined in part. Request time for cross continuation. The witness PW1 after deposing in the witness box and when the print out of the cross examination was handed to him to sign. He suggested certain correction in the cross examination deposition, this Court stated that after the completion of cross examination, correction in the deposition cannot be entertained. The witness refused to sign in the cross



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examination. Therefore for continuation of cross examination.

Call on 06.06.2022.”

2. Aggrieved over this, the petitioner/plaintiff who examined himself as P.W.1, has preferred this petition.

3. The learned counsel for the petitioner/plaintiff submitted that the learned trial Judge has omitted to record the evidence in the manner stated by P.W.1 and refused even to carry out the corrections which the witness wanted to make after reading his deposition.

4. During the course of arguments, the learned counsel for the petitioner has produced a copy of the details of the corrections, which the witness wanted to make in his deposition. On perusal, it is seen that paraphrasing of the words in the deposition, at the option of the witness is pointed out as 'correction', though the import of the meaning is not changed. If the witness finds any typographical error or any other error that changes the meaning, the Court will normally permit to carry out corrections. If the witness insists to make unnecessary corrections, even though the meaning is not different, it will be difficult for the trial Judges to complete the recording



of evidence. If there is any ambiguity in the cross, it is always open to the plaintiff's counsel to request for leave for re-examination and clear the ambiguity. Hence, I do not find any grounds for interference.

5. Accordingly, the Civil Revision Petition is dismissed and the docket order dated 27.04.2022 passed by the learned Additional District Munsif, Alandur in O.S.No.118 of 2009, is hereby confirmed. No Costs. Consequently, connected Miscellaneous Petition is closed.

10.06.2022

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

To

- 1.The Additional District Munsif,
Alandur.
- 2.The Section Officer,
VR Section, Madras High Court,
Chennai.



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R.N.MANJULA, J.,

vk

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