



C.R.P.No.2189 of 2020
and C.M.P.No.13819 of 2020

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

C.R.P.No.2189 of 2020

and

C.M.P.No.13819 of 2020

V. Lakshmanan

... Petitioner

Vs.

1. Ugananthan
2. P.N. Viswanathan
3. Pappathi
4. Tamilselvi
5. Minor Thaneswaran
6. Minor Mahasri
7. S. Vajravel
8. The Sub Registrar
Sub Registrar Office
Bhavani, Bhavani Raluk
Erode District.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal orders dated 05.03.2020 made in I.A. No.2 of 2020 in O.S. No.372 of 2018 on the file of the learned II Additional District Munsif, Erode.



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For Petitioner : Mr.M. Mahamani
for R. Premchandrar
For R1 to R7 : Mr. V.S. Kesavan
For R8 : Dr. S. Suriya,
Additional Government Pleader

ORDER

This Civil Revision Petition is filed against the fair and decreetal orders dated 05.03.2020 made in I.A. No.2 of 2020 in O.S. No.372 of 2018 on the file of the learned II Additional District Munsif, Erode.

2. The revision petitioner is the plaintiff in O.S. No.372/2018 on the file of the II Additional District Munsif, Erode. He filed the suit for cancellation of the sale deed dated 24.02.1995 and also for a permanent injunction restraining the respondents/defendants from interfering with his peaceful possession and enjoyment of the suit property.

2.1. The respondents/defendants filed their written statement



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and the case now stood posted for trial. At this state, the revision petitioner/plaintiff filed an application in I.A. No. 2/2020 under Order III Rule 2 CPC to recognise one Y.R. Mohanraj as power agent of the petitioner/plaintiff. The respondents/defendants filed their counter.

2.2. After full contest, the learned II Additional District Munsif, Erode, dismissed the said application vide his orders dated 05.03.2020 on the ground that since the petitioner/plaintiff filed the suit for cancellation of registered sale deed dated 24.02.1995, allegedly executed by him in favour of the defendants 1 and 2 and one Bala Krishnan, he has to appear before the Court for giving oral evidence. It is further observed that since the power agent would not have any personal knowledge with regard to the execution of the sale deed dated 24.02.1995, he cannot be permitted to depose on behalf of the petitioner/plaintiff. It is further observed that if the petition is allowed, the respondents/defendants would lose their opportunity to cross examine the petitioner/plaintiff.

3. Heard Mr.M. Mahamani, learned counsel appearing for the



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revision petitioner, Mr. V.S. Kesavan, learned counsel appearing for the respondents 1 to 7 and Dr. S. Suriya, learned Additional Government Pleader appearing for the 8th respondent.

4. The learned counsel for the revision petitioner contended that the plaintiff is ready to depose before the court as P.W.1 and that he must be cross examined on the same day since he is aged 70 years.

5. The suit is of the year 2018. In the circumstances, the learned II Additional District Munsif, Erode, is directed to post the case in O.S. No.372/2018 on day to day basis and dispose of the same as expeditiously as possible.

6. With the above directions, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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- 1.The II Additional District Munsif, Erode.
- 2.The Section Officer, VR Section, High Court, Madras.



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