



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2022

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

C.R.P.PD.No.1531 of 2017

and

C.M.P.No.7122 of 2017

1.K.Kousalya  
2.V.Thilagavathy

... Petitioners

Vs.

1.T.Balasubramaniam  
2.B.Chitra

... Respondents

Civil Revision Petition filed under Article 227 of CPC to set aside the fair and decreetal order dated 23.02.2017 made in I.A.No.171 of 2014 in O.S.No.655 of 2007 on the file of the District Munsif, Pollachi.

For Petitioners .. Mr.D.Selvaraju

For Respondents .. Mr.Lokesh  
for Mr.Ma.Pa.Thangavel



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**ORDER**

The Civil Revision Petition has been filed by the plaintiffs in O.S.No.655 of 2007 pending on the file of the District Munsif Court, Pollachi. The suit had been filed against two defendants namely, T.Balasubramaniam and his wife B.Chitra. The suit had progressed and it was the turn of the defendants to adduce evidence. The 2<sup>nd</sup> defendant / P.Chitra sought permission to adduce evidence on her behalf and also on behalf of the 1<sup>st</sup> defendant and reason was that the 1<sup>st</sup> defendant was set to be unfortunately incapable of understanding judicial proceedings. That application in I.A.No.171 of 2014 was allowed by an order dated 23.02.2017, necessitating filing of the present Civil Revision Petition by the plaintiffs.

2.Today I am informed by Mr.D.Selvaraju, learned counsel for the revision petitioners that the 1<sup>st</sup> defendant on whose behalf the 2<sup>nd</sup> respondent / 2<sup>nd</sup> defendant, wife sought permission to tender evidence has unfortunately himself died and therefore, there is no option but for the 2<sup>nd</sup> defendant to adduce evidence with respect to the averments made in the suit.

<https://www.mhc.tn.gov.in/judis> 3.Therefore, no orders are required to be passed in the Civil



Revision Petition, since the issues raised no longer are alive for adjudication. The Civil Revision Petition therefore stands dismissed. No order as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

4.This order has been passed without examining the reasons advanced for examining the 2<sup>nd</sup> defendant on behalf of the 1<sup>st</sup> defendant. That is an issue which will have to be examined only by the Trial Court.

30.03.2022

Internet:Yes/No

Index:Yes/No

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To

The District Munsif Court, Pollachi.



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**C.V.KARTHIKEYAN,J.**

Smv

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