



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP(MD).No. 2759 of 2014 and
MP(MD).No. 1 of 2014

1.Rajendran (died)
2. Rani
3.Rajeswari
4.Ranjith Kumar
(petitioners 2 to 4 are brought on record as Lrs of the deceased
sole petitioner vide court order dated 07.12.2021 made in CMP(MD).
No. 8858 & 8860 of 2021) .. petitioners/ petitioners/Defendant

Vs.

1. Jeyalakshmi @ Jeyam @ Jeya
Muthusamy (died)
2.Balamurugan
3.Ambiga .. Respondents/Respondents/Plaintiffs
4.Nagarajan .. Respondents/2nd Petitioner/Defendant
(R4 Given Up)

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India against the dismissal order dated 22.08.2014 in I.A.No.797 of 2013 in O.S.No.69 of 1999 on the file of the Additional District Munsif, Lalgudi, Tirunichirappalli District.

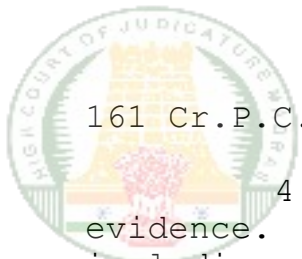
For Petitioner ... Mr. T.S.R. Venkatramana
For Respondents ... Mr.S. Vamsidhar
1 to 3

ORDER

The revision petitioner / defendant filed this revision to set aside the order passed in I.A.No.797 of 2013 in O.S.No.69 of 1999 on the file of the Additional District Munsif, Lalgudi, Tirunichirappalli District.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The respondents / plaintiffs have filed the suit in O.S.No.69 of 1999 for permanent injunction. In the said suit, the revision petitioner / defendant has filed I.A.No. 797 of 2013 under Order 16 Rule 14 CPC to call for the 1st plaintiff as witness to mark



161 Cr.P.C. statement in C.C.No.16 of 2000.

4. First of all, the party cannot be compelled to give evidence. Only, the Court can issue summons to appear any witness including the party to the suit and the 161 Cr.P.C., Statement cannot be relied upon. In any case, the petitioner may mark the Judgment if necessary by his own witness regarding the 161 Cr.P.C., statement. Hence, this Court is of the view that the trial Court has rightly dismissed the application.

5. Accordingly, the Civil Revision Petition is dismissed by confirming the order passed in I.A.No.797 of 2013 in O.S.No.69 of 1999 on the file of the Additional District Munsif, Lalgudi, Tirunchirappalli District. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The Additional District Munsif, Lalgudi, Tirunchirappalli District.

+1 CC to M/s.K.S.VAMSIDHAR, Advocate (SR-11285[F] dated 10/03/2022)

+1 CC to M/s.T.S.R.VENKATRAMANA, Advocate (SR-10687[F] dated 08/03/2022)

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MA (CO)

KB(21.03.2022) 2P 4C