



WEB COPY



CRP.No.1262 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.No.1262 of 2019 and
CMP.No.8229 of 2019

1.Pandiyan
2.Panjasaram

... petitioners

Vs.

1.Poorasamy
2.Dass
3.Ramesh

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal orders dated 09.01.2019 passed in IA.No.615 of 2018 in OS.No.50 of 2012 on the file of I Additional District Munsif's Court, Vridhachalam.

For Petitioners : Mr.T.Sezhian

For Respondents: Mr.C.Munusamy

ORDER

This civil revision petition has been filed to set aside the fair and decretal orders dated 09.01.2019 passed in IA.No.615 of 2018 in OS.No.50 of 2012 on the file of I Additional District Munsif's Court, Vridhachalam, thereby



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dismissed the application filed under Order 18 Rule 3(a) of CPC to permit the petitioners to examine their father as PW1.

2. Heard, the learned counsel for the petitioners and the learned counsel for the respondents.

3. The petitioners are the plaintiffs and the respondents are the defendants. The petitioners filed suit for declaration and permanent injunction. When the suit was ripe for trial, the petitioners filed application under Order 18 Rule 3(a) of CPC to permit them to examine their father as PW1 since he had knowledge about the sale as he only had arranged the sale of the suit property and he was given the brief to the counsel for the plaint. That apart, he has been in possession and enjoyment of the suit property.

4. Admittedly, the petitioners are the plaintiffs and the sale deed stands in the name of the petitioners. Therefore, if at all they want to examine their father, after their examination, he may be examined by the petitioners. Therefore, the court below rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the court below.



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5. Accordingly, this civil revision petition is dismissed. Consequently,

connected miscellaneous petition is closed. There shall be no order as to costs.

12.01.2023

Speaking/non-speaking

Index : Yes/No

Internet : Yes

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G.K.ILANTHIRAIYAN, J.

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To
I Additional District Munsif's Court,
Vridhachalam.

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12.01.2023