



CRP. No. 2512 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2512 of 2023 and
CMP No. 15553 of 2023

Gandhimathi

...Petitioner

Vs.

1.S.M. Easwaramurthy
2.R.M.Velusamy

....Respondents

PRAYER : This petition filed under Article 227 of the Constitution of India, to set aside the order dated 28.04.2023 in I.A No. 110 of 2023 in O.S No. 284 of 2008 on the file of the Additional District Munsif's Court, Tiruppur.

For Petitioner : Mr.C.R.Prasanan
For R1 : Notice served
For R2 : Mr.R.Sivaraman

ORDER

This petition has been filed to set aside the order dated 28.04.2023 in I.A No. 110 of 2023 in O.S No. 284 of 2008 on the file of the Additional District Munsif's Court, Tiruppur.

2. The petitioner herein filed I.A No. 110 of 2023 in O.S No. 284 of



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2008 on the file of the Additional District Munsif's Court, Tiruppur, to reopen the plaintiff side evidence. After considering the submissions on either side, the Court below dismissed the said application. challenging the same the petitioner filed this Civil Revision Petition.

3. The learned counsel for the petitioner submits that while signing the document dated 16.05.2008 the petitioner was under the impression that as it is partition deed since because signature was obtained by the first defendant and second defendant husband who are her husband and his brother. Thereafter she found that said document was sale deed. Now, in order to prove the said fact she wants to reopen the plaintiff evidence to examine the attesting witness of Ex.A1 but the Court below dismissed the said application. Hence, he prays to allow this petition.

4. The learned counsel for the respondent submits that in order to drag on the proceedings the petitioner filed this petition and that in her affidavit there is no specific prayer with regard to document dated 16.05.2008 though there is as no averment in plaint she wants to examine the witness of Ex.A1. Hence, he strongly raised objection to allow this petition and also prayed to dismiss this petition.



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5. On perusal of the entire plaint averment, it reveals that the plaintiff denied the document dated 16.05.2005 and also the suit was filed for declaration. If the opportunity is not given to the petitioner his valuable to defend the case will be defeated and also considering the relationship between the parties this Court is inclined to set aside the findings of the Trial Court. Further, the respondent is directed to examine the witness within a period of two weeks from the date of receipt of a copy of this order.

6. In the result, this petition is disposed of. No Cost. Consequentially, connected miscellaneous petition is closed.

24.11.2023

pbl

To

1. The Additional District Munsif's Court, Tiruppur.



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T.V.THAMILSELVI,J.

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