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CRP(PD).No.4367 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2023

CORAM

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

CRP(PD).No.4367 of 2023
and CMP.No.26537 of 2023

1. Rajamani
2. T.K.Rajan

...Petitioners

Vs.

1. Rangasamy
2. Planisamy
3. Vasantha

...Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order of the District Munsif Court at Gobichettipalayam, dated 25.09.2023 in I.A.No.6 of 2023 in O.S.No.57 of 2017.

For Petitioners : Mr.P.Valliappan, Senior counsel
For PV Law Associates

ORDER

This Civil Revision Petition has been filed to set aside the fair and decretal order dated 25.09.2023 passed by the learned District Munsif Court at



Gopichettipalayam in I.A.No.6 of 2023 in O.S.No.57 of 2017.

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2. Before the trial Court, the 1st respondent herein/1st defendant filed an application under Order 18 Rule 3 seeking to permit the 1st respondent/1st defendant to examine himself after examination of the Lakkampatti Town Panchayat Authority. The said application was allowed by the trial Judge, held that by examined the Panchayat Officer would not cause any prejudice to the plaintiffs.

3. Aggrieved over the same, the revision petitioners/plaintiffs have filed this Civil Revision Petition.

4. The learned counsel for the revision petitioners/plaintiffs submitted that at that time of defendants side evidence, the first respondent/first defendant filed an application seeking to permission of the Court to examine the Panchayat officer as first witness on his side as per the written statement filed by the 1st defendant as he claimed right over the suit property based on the sale deed dated 24.01.2007. Further, the 1st defendant filed an application before the trial Court is only to drag on the proceedings and the same was allowed by the trial Court is



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erroneous one. Hence, he prayed to allow this petition.

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5. On a perusal of the records, as per settlement deed dated 24.01.2007, the 1st defendant is become absolute owner of the property and also enjoyed 3 feet vacant place which is under dispute. Now, the learned counsel rightly pointed out that the 1st defendant claimed only right over the suit property based on the settlement deed but per contra, he filed application to examine himself after examination of other witnesses at the stage of defendant's side evidence is not permissible. Hence, this Court is of the considered view that the order passed by the trial Court is erroneous one. Liberty is granted to examine the revenue witness after the 1st defendant. Therefore, the order passed by the trial Court in I.A.No.6 of 2023 dated 25.09.2023 is hereby set aside.

6. In the result, this Civil Revision Petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

29.11.2023

Speaking / Non Speaking order

Neutral Citation : Yes/No

Index : Yes/No

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T.V.THAMILSELVI.J.

msrm

To

1. The District Munsif Court, Gopichettipalayam.

2. The Section Officer,
VR Section,
High Court of Madras

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