



C.R.P.No.4610 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2023

CORAM:

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

C.R.P.No.4610 of 2023

and

C.M.P.No.27510 of 2023

Radhamani

... Petitioner

-Vs-

1. Subramaniam
2. Thirumalaisamy
3. Rangasamy
4. Selvanayagi
5. Arunesh
6. Elavarasan
7. Govindasamy

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the dismissal order in I.A.No.6 of 2023 in I.A.No.3 of 2023 in O.S.No.49 of 2015 dated 04.11.2023 issued by the court of II Addl. District and Sessions Judge, Tiruppur.

For Petitioner

: Mr.B.Arivumathi



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ORDER

Challenging the impugned order passed in I.A.No.6 of 2023 in I.A.No.3 of 2023 in O.S.No.49 of 2015 passed by the learned II Addl. District and Sessions Judge, Tiruppur, the Revision Petitioner/third party preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the trial judge, notice to the respondents is dispensed with.

3. Before the trial court, the Revision Petitioner is claiming herself as a second wife of 7th respondent and as a third party, she wanted to issue summons to the Bank Manager to examine him as a witness on her side, she filed an application in I.A.No. 6 of 2023. Admittedly, she claimed herself as second wife of 7th respondent, but as on date, no proof was produced to that effect. As per her contentions before the trial court that she is having joint account along with 7th respondent. Based on that, she wanted to issue witness summons to the Bank Manager to prove the joint account. According to the objections raised by respondents 1 to 6, she was an housemaid in the 7th respondent's house, besides though she possessed aadhar card and voter card, wherein she claimed herself as wife of 7th



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respondent. Based on that, a joint account was opened, for which, the Manager of the Bank need not be called. Accordingly, the trial judge dismissed the application. Challenging the said findings, the Revision Petitioner preferred this Civil Revision Petition.

4. Record perused. On seeing the facts, it reveals that she is a third party to the suit and she claimed herself as wife of 7th respondent, but no proof for the marriage was produced except her aadhar card and voter identity card. The learned counsel for respondents 2 to 6 also not able to prove how she got married with the 7th respondent, however, she had already got married with one Ramasamy and gave birth to three children. So, there is no proof that she has got married with the 7th respondent. Hence, I do not find any in this Civil Revision Petition and accordingly, this Civil Revision Petition is dismissed as no merit. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

18.12.2023

Index : Yes/No

Speaking Order : Yes/No

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To

The II Addl. District and Sessions Judge, Tiruppur.



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T.V.THAMILSELVI, J.

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