



C.R.P.No. 4756 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM:

THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI

C.R.P.No. 4756 of 2023

and

C.M.P.No.28223 of 2023

Raji (Died)
Sivakolundu(Died)

1.S.Tamilselvi
2.R.Sivaprakasam

.. Petitioners

Vs

Natesan(died)

1.Raju
2.Bhuvaneshwari
3.Kanaga
4.Sumathi
5.Sellam
6.R.Senthilkumar

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 02.12.2023 passed in I.A.No.1 of 2023 in O.S.No.169 of 2002 on the file of the Subordinate Judge, Attur, Salem district.



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For Petitioners : Mr. S. Senthil

ORDER

This Civil Revision Petition is filed challenging the order passed in I.A.No.1 of 2023 in O.S.No.169 of 2022, the third and fifth plaintiffs have preferred this revision.

2. Before the trial Court, to prove the report of the forensic expert, the plaintiffs / petitioners herein filed an application to reopen the case in I.A.No.1 of 2023 in O.S.No.169 of 2022 and the same was dismissed by the trial Judge stating that to drag on the proceeding, the application was filed. Aggrieved by the said finding, the plaintiffs 3 and 5 have preferred this revision.

3. The learned counsel for the petitioners submit that already the opinion of forensic expert has been marked as C1. To prove the same, the plaintiffs / petitioners want to reopen and examine the forensic expert.



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4. In order to prove the report of C1, evidence of the expert is

just and necessary but the trial Judge failed to allow the said application.

Therefore, the order passed by the trial Judge in I.A.No.1 of 2023 in O.S.No.169 of 2002 on the file of Subordinate Judge, Attur, Salem District is set aside.

5. In the result, the Civil Revision Petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

13.12.2023

Index :Yes/No

Neutral Citation :Yes/No

AT

To

The Subordinate Judge, Attur, Salem district.



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T.V.THAMILSELVI, J.

AT

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