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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2023

CORAM

THE HONOURABLE MR.JUSTICE **R.VIJAYAKUMAR**

C.R.P.(MD)No.2194 of 2017

Nagammal

....Petitioner

Vs

1.Lakshmanan

2.Palanichamy

3.Anbu Selvi

...Respondents

PRAYER: The Civil Revision Petition has been filed under Section 115 of Code of Civil Procedure, to set aside the judgment and decree passed in A.S.No.88 of 2000 on the file of the Principal District Judge, Dindigul District, Dindigul dated 27.09.2001 by reversing the judgment and decree passed in O.S.No.675 of 1998 on the file of the II Additional District Munsif, Dindigul dated 12.11.1999.

For Petitioner

:Mr.S.Kadarkarai

R1 and R2

:Dismissed

For R3

: No Appearance



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ORDER

The first plaintiff in O.S.No.675 of 1998 on the file of the II Additional District Munsif Court, Dindigul, is the Revision Petitioner herein.

2.The Revision Petitioner along with one Anbuselvi, had filed O.S.No.675 of 1998 for recovery of a sum of Rs.20,000/- from the defendants. After contest, the trial Court had decreed the suit, as prayed for, on 12.11.1999. The defendants filed A.S.No.88 of 2000 before the Principal District Court, Dindigul. The first appellate Court allowed the appeal on 27.09.2001. Since the value of the suit is less than Rs.25,000/-, the first plaintiff has filed the present Revision Petition under Section 115 of Code of Civil Procedure.

3.According to the learned Counsel for the Revision Petitioner, the first appellate Court has not properly appreciated the oral and documentary evidence placed by the plaintiffs and has not assigned any valid reasons for rejecting the submission made on the side of the plaintiffs. He further



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contended that the first appellate Court ought not to have reversed the well considered judgment and decree of the trial Court.

4.The respondents in the Revision Petition could not be served.

5.The plaintiffs and the defendants in the suit are the sisters. According to the plaint allegations, the defendants have sold away 43 sheeps belonging to the plaintiffs and they have appropriated a sum of Rs.20,000/-. However, the defendants have disputed the said contentions and prayed for dismissal of the suit. The Trial Court relying upon the oral evidence of PW-1 to PW-3 had proceeded to decreed the suit.

6.The first appellate Court, after considering the oral evidence, arrived at a finding that the plaintiffs did not have any sufficient nucleus to purchase 43 sheeps. The first appellate Court also relied upon the oral evidence of PW-3, Andivel Nayakkar, who deposed that already partition has been effected between the plaintiffs and the defendants. The first appellate Court also relied upon the oral evidence of PW-2 that the sale proceeds of the sheeps have been utilised for the marriage expenses of the



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plaintiffs. Based upon the said oral evidence, the first appellate Court was pleased to dismiss the suit.

7.A perusal of the judgment of the first appellate Court would clearly indicate that the first appellate Court has rightly re-appreciated the oral evidence let in on the side of the plaintiffs and the defendants and the said Court had arrived at a finding that the plaintiffs have not established their case of purchase of 43 sheeps out of their own funds.

8.This Court does not find any reason to interfere with the judgment and decree of the first appellate Court. The Revision Petition stands dismissed. No costs.

08.09.2023

Index : Yes/No

Internet : Yes/No

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To

- 1.The Principal District Judge, Dindigul District, Dindigul.
- 2.The II Additional District Munsif, Dindigul.
- 3.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

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