



C.R.P(PD)(MD).No.2631 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE **B.PUGALENDHI**

C.R.P.(PD)(MD).No.2631 of 2022
and C.M.P(MD).No.12823 of 2022

Palaniyappa Gounder

... Petitioner

Vs.

Perumal Gounder

... Respondent

PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 11.08.2022 passed in I.A.No.02 of 2022 in O.S.No.556 of 2006 on the file of the learned Additional District Munsif Court, Karur.

For Petitioner : Mr.M.P.Senthil

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 11.08.2022 in I.A.No.02 of 2022 in O.S.No.556 of 2006 on the file of the Additional District Munsif Court, Karur.



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2.The respondent / plaintiff has filed a suit in O.S.No.556 of 2006 on the file of the Additional District Munsif Court, Karur, seeking permanent injunction against the petitioner. The petitioner / defendant claims that he is having certain ailments that he is unable to move and sit for a long time and he is taking treatment for the same. Hence, the petitioner / defendant has filed an application in I.A.No.2 of 2022 to eschew his evidence in O.S.No.556/2006. The trial Court dismissed the said IA by its order dated 11.08.2022 and held that if the defendant is unable to give his evidence, he can seek for appointment of a commissioner for recording his evidence or he can examine his wife as further evidence or close his evidence. Aggrieved over that the instant revision petition is filed.

3.Heard the learned counsel appearing for the petitioner and perused the materials available on record.

4. A perusal of the orders shows that the trial Court has considered the health condition of the petitioner and provided reasonable options.



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Therefore, this Court is not inclined to interfere with the orders of the trial court. It is up to the petitioner to avail the options available to him.

5.In the result, this Civil Revision Petition is dismissed with a liberty to the petitioner to avail any of the options as suggested. No costs. Consequently, the connected miscellaneous petition is closed.

10.01.2023

Index : Yes/No
Internet : Yes
Speaking/Non-speaking order
tta

To
learned Additional District Munsif Court, Karur



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B.PUGALENDHI,J

tta

Order made in
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