



THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 05.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP No.5061 of 2024 & CMP.No.28383 of 2024

P.M.Rangaami

. . . Petitioner

Versus

V.Ramkumar

. . . Respondent

PRAYER : Petition filed under Article 227 of Constitution of India to allow this Civil Revision Petition and to set aside the Order dated 15.03.2023 passed in unnumbered I.A.No. Of 2023 in O.S.No.215 of 2014 on the file of the Principal District Munsif Court, Poonamallee, wherein the learned Principal District Munsif, Poonamallee rejected the prayer of the petitioner to proceed further without his cross examination.

For petitioner : Mr.P.M.Rangasami, Party in Person



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ORDER

Challenging the rejection of the application filed by the revision petitioner to proceed further without cross examination of the petitioner, the present Civil Revision Petition has been filed.

2. A perusal of the civil Revision Petition it is seen that the Civil Revision Petition itself is not maintainable. Merely because some Order has been passed by the District Munsif, it cannot be said that the Court cannot go into the tile of the suit property. Similarly, the party cannot insist that he cannot be cross examined. It is for the other side to decide whether he has to cross examine a witness or not. If a party has not entered into the box and give evidence, the Court can always draw adverse inference against the party who refrain himself from appearing before the Court. In such view of the matter, the trial Court shall proceed with the suit and if the revision petitioner is not willing to enter into the box and give evidence, the trial Court still can dispose of the suit by drawing adverse inference against him.



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3. With the above observations, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

05.12.2024

Index : Yes / No

Internet: Yes

Speaking/non speaking order

vrc

To,

The Principal District Munsif,
Poonamallee.



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N. SATHISH KUMAR, J.

vrc

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