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C.R.P (PD) No.3071 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P (PD) No.3071 of 2024

&

C.M.P.No.16572 of 2024

M.R.Mohan Reddy

.. Petitioner

vs.

1. V.Ramkumar

2. P.Malliga

3. S.Aravind

..Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 03.11.2023 passed in I.A.No.1 of 2022 in O.S.No.77 of 2013 on the file of Additional District Judge, Kancheepuram.

For Petitioner : Mr.K.S.V.Prasad

ORDER

This Civil Revision Petition arises against the order of the learned Additional District Judge (Fast Track Court), Kancheepuram in I.A.No.1 of 2022 in O.S.No.77 of 2013.



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2. The civil revision petitioner is the second defendant in the suit.

The suit has been filed for declaration of title and for injunction. The pleadings are complete and the matter was listed for trial. At that stage, the plaintiff, who is a resident of Chennai, went over to Kancheepuram.

3. As the Additional District Court is in the second floor of Kancheepuram Court Complex and since the plaintiff is aged and was unable to climb the stairs, the Bench Clerk of the Fast Track Court went to the ground floor and received the proof affidavit.

4. Pleading that he is sick and of advanced age – 75 years, he filed an application seeking appointment of an Advocate Commissioner to mark the documents and cross-examination of himself.

5. The learned Judge numbered this application as I.A.No.1 of 2022 and ordered notice.

6. The second defendant filed a counter stating that marking of documents and cross-examination through Advocate Commissioner would not be proper. He also pleaded that the wife of the plaintiff is very much alive and the plaintiff can file an application to eschew his evidence and examine his wife as a witness invoking the provisions of Section 120 of the Indian Evidence Act.



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7. The learned Judge, after hearing both sides, concluded that if the petitioner is unable to attend the Court in person, he can always be examined though videoconferencing and even if that is not feasible, the learned Judge observed that the petitioner can always file a fresh petition at a later date. The relief sought by the first respondent /plaintiff was not granted by the Court. It is against this order that the present civil revision petition has been filed.

8. Heard Mr.K.S.V.Prasad, learned counsel for civil revision petitioner.

9. In order to revise an order by way of revision under Article 227 of the Constitution of India, the person who presents the revision petition must be a “person aggrieved”. By virtue of the impugned order, if at all anybody is aggrieved it is the plaintiff /first respondent. The relief sought for by the plaintiff had not been granted and therefore, second defendant cannot be treated as the person aggrieved.

10. Mr.Prasad would submit that taking advantage of the observation of the learned District Judge, the plaintiff will keep himself



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away from the Court and will depose through videoconferencing. In order to depose through videoconferencing, obviously the plaintiff will have to file a fresh petition and obtain orders. The Court has not observed that it is going to record evidence through videoconferencing. The observation made by the learned Judge cannot give a cause of action for a party to file a revision. Hence, I am not inclined to grant the relief sought for in this petition.

11. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Index:Yes/No
Neutral Citation:Yes/No
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To

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1. The Additional District Judge
Kancheepuram
2. The Section Officer
VR Section
Madras High Court



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V. LAKSHMINARAYANAN, J.

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