



CRP.No.4241 f 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTAR

CRP.No.4241 of 2019

S.Vasanthi

... Petitioner

Vs.

1.D.Sumathy @ Soumady
2.Krishnamurthy

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decretal order passed in IA.No.535 of 2019 in OS.No.65 of 2014 dated 02.07.2019 on the file of the learned Principal District Judge, Puducherry.

For Petitioner : Mr.R.Natarajan

For Respondents : Mr.D.Ravichander for R1 & R2



CRP.No.4241 f 2019

ORDER

WEB COPY

This Civil Revision Petition is arising out of the order passed by the Court below allowing the petition filed by the respondents to issue witness summons to the persons mentioned in the petition.

2. The said application was opposed by the petitioner on the ground that the persons mentioned in the petition are not connected with the case on hand and therefore, the present application filed by the respondents to examine them is liable to be dismissed.

3. It is seen from the impugned order that the respondent wants to examine certain official witnesses in support of his case. It was stated by the respondent that the legal representatives of Obenans Lourdu Marie who sold the property to vendor of the petitioners were settled in France and the respondent could not seek to summon them to establish his case. However, certain material facts can be elucidated from the official witnesses who are sought to be examined. The request made by the respondent to examine the certain witnesses in order to establish their case need not be rejected at the



CRP.No.4241 f 2019

threshold. When the petitioner is having the right of cross examination of witnesses, the allowing of the application for examination of witnesses mentioned in the petition will not cause prejudice to the rights of the petitioner. Therefore, I do not find any illegality or irregularity in the order passed by the Court below. Even if the order passed by the Court below is confirmed, it will not cause any serious pre-judice to the petitioner, when there is a clarification in the order that the petitioner has got the right to cross examine the witnesses mentioned in the application.

4. Accordingly, this Civil Revision Petition is dismissed. No costs.

19.01.2024
(1/2)

Index : Yes / No

Internet : Yes / No

dna

To

The Principal District Judge, Puducherry.



WEB COPY



CRP.No.4241 f 2019

S.SOUNTHAR, J.

dna

CRP.No.4241 of 2019
(1/2)

19.01.2024