



C.R.P.(MD)No.26 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.26 of 2024
and C.M.P.(MD).No.208 of 2024

Saravanan

.... Petitioner/Petitioner/Plaintiff

Vs.

1.Kandasamy
2.Senthilnathan

... Respondents/Respondents/
Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order ated 30.11.2023 passed in I.A.No.1 of 2023 in O.S.No.70 of 2021 on the file of the learned District Munsif cum Judicial Magistrate Court, Aravakurichi.

For Petitioner : Mr.M.P.Senthil

ORDER

This revision has been preferred against the order of dismissal in I.A.No.1 of 2023 in O.S.No.70 of 2021, which was filed by the petitioner



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seeking to scrap the DW2's deposition on the ground that he spoke about the averments contradictory to the recitals made in their written statement.

2.That petition has been dismissed by the trial Court stating that absolutely, there is no contradiction between the oral evidence and the recitals.

3.The grievance of the petitioner is that the trial Court has not considered the fact that the evidence is totally improper. The trial Court decide the issue by touching the merits of the case as well as the documents. The learned counsel for the petitioner would submit that the above said observation absolutely not required for deciding the petition. If the above said observation is allowed on record, then his right will be affected. Even though the decision of the trial Court cannot be found fault, the grievance of the petitioner is genuine. The above said observation is not necessary for deciding the issue.



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4.In view of the above, there shall be a direction to the learned District Munsif cum Judicial Magistrate, Aravakurichi, to decide the issue in the main suit in O.S.No.70 of 2021, without influenced by any of the observation made by him in paragraphs 9 and 10 of the impugned order.

5.With the above said directions, this civil revision petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

1.The District Munsif cum Judicial Magistrate Court, Aravakurichi.

2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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