



C.R.P. (MD) No. 1063 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

C.R.P. (MD) No. 1063 of 2024

M.S.Dhanalakshmi

... Petitioner

-VS-

1. M.S.Rajaraman
2. M.S.Ragava Perumal
3. M.S.Jeyaraman
4. M.S.Subburaman (Died)
5. M.S.Subbulakshmi
6. M.S.Jeyalakshmi
7. M.S.Krishnaveni
8. M.S.Alagammal (Died)
9. Rajam
10. Mahesh
11. Geetha

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to direct for the earlier disposal of the petition filed under Order 18 Rule 16 r/w. Section 151 of the Code of Civil Procedure, 1908, in I.A. No. 08 of



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2024 in O.S. No. 40 of 2008 on the file of the Principle District Court, Thoothukudi and to complete the evidence of the petitioner on or before 30.04.2024 by allowing this Civil Revision Petition.

For Petitioner : Ms. P.Jessi Jeeva Priya

ORDER

This Civil Revision Petition under Article 227 of the Constitution of India has been filed seeking early disposal of the petition in I.A. No. 08 of 2024 in O.S. No. 40 of 2008 on the file of the Principal District Court, Thoothukudi (hereinafter referred to as the 'Trial Court' for short). The parties are hereinafter referred to as by the description in the suit in O.S. No. 40 of 2008 before the Trial Court for the sake of clarity and convenience.

2. Having regard to the nature of order proposed to be passed in the Civil Revision Petition, which would not cause any prejudice to the Plaintiff and other Defendants in the suit, notice to them is dispensed with.

3. Heard Ms. P.Jessi Jeeva Priya, Learned Counsel for the Sixth Defendant and perused the materials placed on record, apart from the pleadings of the parties.



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4. The Sixth Defendant in the suit in O.S. No. 40 of 2008 has filed the application in I.A. No. 8 of 2024 invoking Rule 16 of Order XVIII of the Code of Civil Procedure, 1908, to immediately examine herself as witness as she is permanently living in United States of America and has now come down to India and would be returning shortly on 03.05.2024. According to Learned Counsel for the Sixth Defendant, though the contesting parties have filed Counter, no orders in the said application have been passed by the Trial Court and the matter is posted on 29.04.2024 for next hearing.

5. Having regard to the aforesaid submissions made, this Court without expressing any views on merits of controversy involved in this matter, passes the following order:-

- (i) it shall be incumbent upon the Trial Court to take up the said application in I.A. No. 08 of 2024 in O.S. No. 40 of 2008 on the next hearing on 29.04.2024 and after conducting enquiry following the prescribed procedure and affording opportunity of hearing to all parties concerned, reasoned order shall be passed on merits and in accordance with law;



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(ii)

if necessary, taking into account the limited availability of time, the Trial Court may appoint Advocate Commissioner under Rule 9 of Order XXVI of the Code of Civil Procedure, 1908, to record the examination of the witness, which may be fully videographed and the entire expenses incurred for such commission be borne by the Sixth Defendant.

In the result, the Civil Revision Petition is disposed on the aforesaid terms. No costs.

23.04.2024

Index : Yes/No

Internet : Yes/No

Ncc : Yes/No

TSG

Note: Issue order copy by 24.04.2024.

To

1. The Principal District Court,
Thoothukudi.



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2.M.S.Dhanalakshmi

Door No.111/33E/1,
Rajesh Bhavan, State Bank Colony,
Thoothukudi District.

3.M.S.Rajaraman

Door No.4/802,
Vuraeti Colony, Ettaiyapuram Road,
Thoothukudi Town, Thoothukudi District.

4.M.S.Jeyaraman,

Door No.160B/2, Kurunji Nagar 3rd Street,
Thoothukudi Town, Thoothukudi District.

5.M.S.Subbulakshmi,

Door No.1/34, Nadu Street,
Valasamuthiram Village, Ottapidaram Taluk,
Thoothukudi District.

6.M.S.Jeyalakshmi,

Door No.3/MC/2, Annai Illam,
Veeramamunivar Street, Mogapoor East, Chennai – 37.

7.M.S.Krishnaveni,

Door No.100/5, Meenakshi Nagar, 5th Street,



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Salaipudhur, Kovilpatti, Thoothukudi District.

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8.Rajam,

V.R.V.Jinning Factory, Cross Road,
Ottapidaram Taluk, Thoothukudi District.

9.Mahesh,

V.R.V.Jinning Factory, Cross Road,
Ottapidaram Taluk, Thoothukudi District.

10.Geetha,

V.R.V.Jinning Factory, Cross Road,
Ottapidaram Taluk, Thoothukudi District.



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P.D. AUDIKESAVALU, J.

TSG

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