

C.R.P. (PD) No. 312 of 2025

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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 06.02.2025

CORAM:

THE HONOURABLE Ms. JUSTICE P.T.ASHA

C.R.P. (PD) No. 312 of 2025
and C.M.P.No.2030 of 2025

T.G.Krishnasamy(Died)

K.Kartikeyan (Died)

1. K.Shanmugasundaram
2. K.Boopathy
3. K.Ganapathy

Sahadevan (Died)

4. K.Tirunavukkarasu
5. Malathi
6. Bhavanishankar
7. Rajiv

...Petitioners

Vs

1. A.Ravichandran
2. A.Seerangasamy
3. Subramani

...Respondents



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PRAYER: Civil Revision Petition filled under Article 227 of Constitution of India to set aside the fair and decretal order dated 12.11.2024 made in I.A.No.12 of 2024 in O.S.No.06 of 2009 on the file of the Subordinate Judge, Perundurai by allowing this Civil Revision Petition.

For Petitioner : Mr.M.Guruprasad

ORDER

The Civil Revision Petition is filed challenging the dismissal of the application filed by the revision petitioner under Order 16 Rule 14 and Section 151 CPC to grant permission to examine the 1st respondent as one of the witnesses.

2. The petitioners would submit that the suit is filed for declaration and permanent injunction. The 1st respondent had executed a document in favour of the petitioners and therefore, the examination of the 1st respondent as a witness has become vital. Therefore, the petitioner had filed the I.A. in question.



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3. The 3rd respondent/3rd defendant has filed a counter contending that the application is vexatious and an attempt to drag the proceedings. He contended that the 2nd petitioner herein had executed a registered Power of Attorney dated 17.08.1998 in favour of 1st respondent herein to deal with the suit property. Based on the said Power of Attorney, the 1st respondent had executed a registered Sale Agreement in favour of the 2nd respondent herein on 13.10.1998. Later, on 13.06.2001, the 1st respondent had executed a registered sale deed in favour of the respondents 2 and 3 with respect to 40 cents. Further, the 2nd respondent had executed a sale deed in favour of the 3rd respondent on 9.12.2002 with respect to his common 20 cents. He had further contended that the petitioners/plaintiffs are not entitled to examine the 1st respondent as a witness. That apart, the examination of the 1st respondent has no bearing on the suit in question.



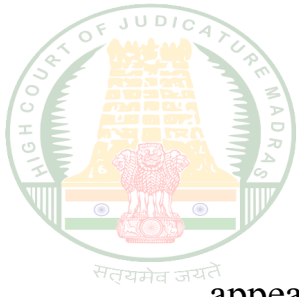
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4. The learned judge, after considering the evidence, has proceeded to dismiss the said application. Challenging the same, the revision petitioners are before this court.

5. Heard the learned counsel for the petitioner and perused the material available on record.

6. The examination of the 1st respondent herein has been asked for on the basis that he had executed a document in favour of the petitioners. Now, the cross examination of P.W1 has been completed on 11.06.2024 and the case is now posted for further evidence on the plaintiffs' side. The plaintiffs had sufficient opportunity to produce the document that was executed by the 1st respondent. That apart, there are no details provided as to what was the document that has been executed. Therefore, there is no necessity to examine the 1st respondent, and the application only



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appears to be an attempt to protract the proceedings and delay the process. The learned Judge has rightly dismissed the I.A and I see no reason to interfere with the said order. Accordingly, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06.02.2025

Index: yes/no

Speaking Order: Yes/No

srn

To

The Subordinate Judge, Perundurai



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P.T.ASHA, J.

srn

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