



WEB COPY



CRP No.3861 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :19.06.2025

CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

C.R.P.No.3861 of 2024
and CMP No.23976 of 2024

Mrs.Marymanonmani

.... Petitioner

VS

Mrs.Kuloramery

... Respondent

Revision filed under Article 227 of the Constitution of India against the order passed by the learned Additional District Munsif Court at Jayankondam by dismissing I.A.No.7 of 2024 dated 12.07.2024 in O.S.No.58 of 2014.

For Petitioner

: Mr.X.Roy Reegan

For Respondent

: No appearance

ORDER

The respondent, despite service of notice, has not chosen to appear either in person or through counsel.

2. I have heard the learned counsel for the petitioner.

3. The revision petitioner is the plaintiff in O.S.No.58 of 2014. The suit is



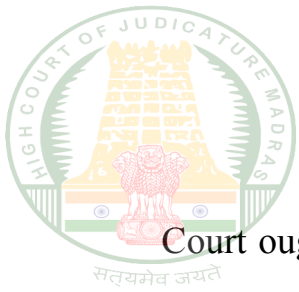
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one for declaration and injunction. The petitioner took out an application in I,A
No.7 of 2024 seeking summons to be issued to the petitioner's vendor's vendor.

4. The case of the petitioner is that out of the two vendors, from whom the petitioner purchased the suit property, one of them is no more and the other vendor, who is the wife of the first vendor, is also bedridden and is not in a position to give evidence. Being a suit for declaration of title, the petitioner has sought to summon the earlier predecessor-in-title viz., one Mr.Vijayaragavan.

5. The said application was resisted by the defendant and the trial Court accepting the objections of the defendant, dismissed the application on the ground that there is no reference about Mr.Vijayaragavan in the plaint or to the sale deed under which the property changed hand from Mr.Vijayaragavan to petitioner's vendors.

6. I have gone through the affidavit filed in support of the application in I.A.No.7 of 2024. The petitioner has clearly spoken about the inability of the petitioner to examine his vendor. It is also specifically stated that document viz., the sale deed dated 08.12.2024 executed by Vijayaragavan in favour of the petitioner's vendor has already been marked as Ex.A.5. Therefore, the trial



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Court ought to have carefully looked into the averments set out in the affidavit

WEB COPY filed in support of the application in I.A.No.7 of 2024 and without going through the same, the trial Court has refused the request of the petitioner/plaintiff. The same is clearly amounting to deprivation of fair opportunity to the petitioner to establish his case. The trial court should be liberal in permitting the parties to lead oral and documentary evidence in order to appreciate the core issues that have to be adjudicated in the suit, instead of standing on technicalities and dismissing applications filed by the parties to lead further evidence, unless the Court finds gross abuse of process or inordinate and unexplained delay.

7. In fine, I am inclined to set aside the order passed in I.A.No.7 of 2024 in O.S.No.58 of 2014 dated 12.07.2024.

8. Accordingly, the Civil Revision Petition is allowed and the order passed in I.A.No.7 of 2024 in O.S.No.58 of 2014 dated 12.07.2024 is hereby set aside. No costs.

19.06.2025

Index: Yes/No
Website:yes/no
sr

P.B.BALAJI.,J.



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Sr

To

The Additional District Munsif Court, Jayankondam

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