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C.R.P.(PD)Nos.4916 & 4918 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09.01.2025**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)Nos.4916 & 4918 of 2024
and C.M.P.Nos.27614 & 27618 of 2024

In both CRPs.

Ahamed Thambi Maraicar

.. Petitioner

Vs.

1. Sivaprakasam
2.Saravanan
3.Muthukumarasamy
4.Chithra

.. Respondents

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, against the fair and decretal order dated 19.10.2024 in I.A.Nos.278 & 277 of 2024 in O.S.No.35 of 2021 on the file of the learned District Munsif at Tiruvarur.

In both CRPs.

For Petitioner : Mr.Ragesh Bhagavath L.
Ms.S.Vaitheeswari

COMMON ORDER



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These revisions arise against the order passed by the learned District Munsif at Tiruvarur in I.A.Nos.277 & 278 of 2024 in O.S.No.35 of 2021 dated 19.10.2024.

2.For the purpose of these revisions, the details of the suit need not be gone into in depth.

3.I.A.Nos.277 & 278 of 2024 are applications to summon the official witness namely, the Village Administrative Officer of the concerned village and for cross-examination of the said witness by the civil revision petitioner.

4.According to the civil revision petitioner, the Village Administrative Officer of Naramangalam village, Tiruvarur taluk, was the erstwhile office holder of the same office at Sozhanganallur village. He was examined as D.W.3. The said officer had issued Ex.D4 in favour of the 1st defendant. According to the civil revision petitioner, certain statements had been made by the said D.W.3 which are not borne out by records. D.W.3 had deposed that he had not received any objection from the civil revision petitioner. However, according to the civil revision petitioner, prior to issuance of the record marked before the Court, the



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civil revision petitioner had objected to the same by way of a letter dated 01.07.2021. The learned counsel also pleads that the civil revision petitioner has the original acknowledgement card, under which, the objections had been received by the Village Administrative Officer. Hence, the necessity to re-summon the said D.W.3 arose. She points out, an application was filed for reopen and for issuance of summon and that came to be dismissed by the learned Trial Judge. Hence, these revisions.

5. Notice was taken to the respondents. Though Mr. T.P.S. Manikannan, learned counsel for the respondents in the Court below, was served, no one represented the parties before this Court. In order to enable the respondents to engage a counsel, I adjourned the matter from 19.12.2024 to today. Even today, there is no representation on behalf of the respondents. Hence, I took up the revisions for final disposal.

6. I have carefully considered the submissions of the civil revision petitioner. I have gone through the records.

7. The long and short of this case is that the civil revision petitioner, who is the plaintiff in the suit, wants to substantiate that D.W.3 was put on notice of the objections and yet he had proceeded to issue a certificate.



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The learned Trial Judge has held that this issue had already been posed during the course of cross-examination and there is no necessity to reopen the evidence. At the time of cross-examination, perhaps, the plaintiff was not in a possession of the letter as well as the acknowledgement card. The suit is still at the stage of trial. Maximum opportunity should be given to the parties to bring forth all the evidence that they have before the Court.

8. The plaintiff feels that, if the then Village Administrative Officer of Sozhanganallur, is cross-examined on this aspect, it will speak about the credibility of the witness and would help the plaintiff in his case. Whether this is going to help the plaintiff or not is the matter which the learned Judge can always take a call on at the time of disposal of the suit. Hence, the attempt by the plaintiff to confront D.W.3 with the record need not be stultified.

9. In the light of the above discussions, both the civil revision petitions are allowed. The orders impugned are set aside with the following directions:

(i) The learned District Munsif at Tiruvarur shall issue summons to D.W.3., the then Village Administrative Officer;



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(ii) The plaintiff shall cross-examine the said witness on the date on which he appears before the Court and shall not seek for any adjournment.

(iii) In case the plaintiff seeks for an adjournment, the Trial Court is entitled to close the evidence and proceed further in the matter.

(iv) In addition to the payment of witness batta, the plaintiff shall also pay a sum of Rs.2,500/- to D.W.3.

(v) The learned Judge, prior to permitting the cross-examination, shall ensure that the costs of Rs.2,500/- is paid to D.W.3.

There shall be no order as to costs in these revisions. Consequently, connected miscellaneous petitions are closed.

09.01.2025

Index:Yes/No
Internet:yes/No
Neutral Citation:Yes/No
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V.LAKSHMINARAYANAN,J.

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To

The District Munsif at Tiruvarur.

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