



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2025

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.372 of 2025

and

C.M.P(MD)No.2118 of 2025

A.Kuzhanthaivel Maniyam (Died)

- 1.K.Palaniammal
- 2.K.Vasu
- 3.G.Meenambiga
- 4.K.Soundararajan
- 5.K.Jeyajothi
- 6.K.Subramaniyam
- 7.K.Sathasivam

...Petitioners/Petitioners/Plaintiffs

Vs.

- 1.S.Marimuthu
- 2.Chandhira
- 3.S.Sakkarai

...Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and decreetal order, dated 08.01.2025, passed in I.A.No. 211 of 2024 in O.S.No.19 of 2019 by the District Munsif cum Judicial Magistrate Court, Natham, and allow the revision petition thereby allowing the petition, I.A.No.211 of 2024 in O.S.No.11 of 2019.

For Petitioners : Mr.R.Munuswamy

For Respondents : Mr.V.Thirumal for R1 to R3

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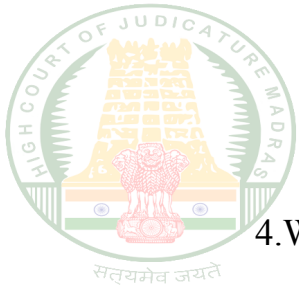


ORDER

The plaintiffs in O.S.No.11 of 2019, on the file of the District Munsif cum Judicial Magistrate Court, Natham, have filed the present revision petition, challenging an order of the trial Court, wherein the trial Court has dismissed the application for appointment of Advocate Commissioner for cross examining P.W.1.

2.A perusal of the records reveal that the suit had been filed for the relief of declaration of title and recovery of possession. The plaintiff as P.W.1 had filed her proof affidavit on 06.11.2023. Part of the cross examination was completed on 03.02.2024. Thereafter, P.W.1 has filed the present application on 21.08.2024 for appointment of Advocate Commissioner for further cross examination on the ground that she is not well. The said application has been dismissed on the ground that no medical records have been produced on the side of the plaintiff. Challenging the same, the present revision petition has been filed.

3.The learned Counsel appearing for the respondents, on instructions, submits that they have completed the cross examination of P.W.1, and they do not intend to further cross examine P.W.1. In such circumstances, the question of entertaining the present revision petition does not arise. No further orders are called for in the present revision petition.



4. With the above said observations, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

06.03.2025

Internet: Yes/No
Index: Yes/No
RJR

To

The District Munsif cum Judicial Magistrate,
Natham.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

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