



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1766 of 2025

and

C.M.P.(MD).No.9656 of 2025

G.Padmavathy

...Petitioner

Vs.

1.Senthamaraikannan

2.Kiragalakshmi

3.Pushpam

4.Gurupackiam

5.The Tahsildar,
Srivilliputtur,
Virudhunagar District.

6.K.Paramasivam

7.Vellaisamy

9.T.Gopalsamy

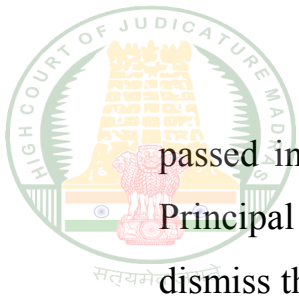
10.R.Srinivasan

11.T.Muthiah

12.Thangalakshmi

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to call for records pertaining to the impugned order dated 02.12.2024



passed in I.A.No.5 of 2024 in O.S.No.320 of 2016 on the file of the learned Principal Sub Court, Srivilliputtur and set aside the same and consequently dismiss the same.

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For Petitioner : Mr.R.Narayanan

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ORDER

This Civil Revision Petition has been filed seeking orders to set aside the fair and decreetal order dated 02.12.2024 made in I.A.No.5 of 2024 in O.S.No. 320 of 2016 on the file of the learned Principal Sub Court, Srivilliputtur.

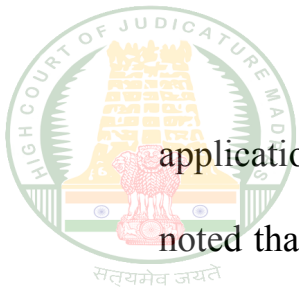
2. The petitioner filed a suit in O.S.No.320 of 2016 seeking declaration and for partition and other reliefs. The petitioner is the daughter of the fourth respondent / the second wife of the deceased father. Respondent Nos.1 to 3 are the children of the first wife. The grievance of the petitioner is that the entire property was taken over and alienated by respondent Nos.1 to 3 in favour of third parties without effecting a proper partition. After completion of the plaintiff's side evidence, respondent Nos.1 to 3 filed an interlocutory application in I.A.No.5 of 2024 under Order XVI Rules 1 and 2 read with Section 151 CPC, seeking permission to examine a Notary Public. The said application was allowed by the trial Court on 02.12.2024. Aggrieved by the same, the present Civil Revision Petition is filed.



3. The learned counsel for the petitioner would submit that no partition has been effected till date and the suit is still pending and the issue of title and shares has not been determined. Any alleged compromise between the petitioner and respondent Nos.11 and 12, who are third-party purchasers, is immaterial at this stage. Permitting examination of a Notary Public is an attempt to delay the proceedings and defeat the petitioner's rightful claim over the property.

4. Since no adverse orders are going to be passed against the respondents, notice to the respondents is dispensed with.

5. It is not in dispute that the petitioner is the daughter of the second wife, and respondent Nos.1 to 3 are the children of the first wife of the deceased. The suit was filed seeking partition and to declare the sale deeds executed by respondent Nos.1 to 3 in favour of third parties, including respondent Nos.11 and 12, as null and void. During the defendants' evidence stage, respondent Nos.1 to 3 sought to examine a Notary Public to prove that a compromise was entered into between the petitioner and respondent Nos.11 and 12 before the Notary Public. The petitioner contends that such an agreement, even if true, is not binding as the issue of title has not been resolved. However, under the provisions of CPC, a party has the right to adduce evidence in support of their defence, including examination of witnesses. The trial Court rightly allowed the



application under Order XVI Rules 1 and 2 CPC r/w 151 CPC. It is also to be noted that the examination of a witness per se does not conclude the issue; it is only one piece of evidence among others to be assessed during trial. The petitioner can very well cross-examine the witness and rebut the alleged compromise. Hence, there is no legal bar or irregularity in the impugned order warranting interference under Article 227 of the Constitution of India.

6. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

26.06.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1.The Principal Sub Court, Srivilliputtur.

2.The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

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