



CRP(MD). No.1736 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 03/07/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.1736 of 2025
and CMP(MD) No.9407 of 2025**

S.Ramachandran

... Petitioner

Vs

1. D.Sajith Dharman

2. K.Sivaram

3. Baby Joseph

... Respondents

PRAYER :- Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the order passed in IA No.2 of 2024 in OS No.21 of 2019 on the file of the Learned District Munsif cum Judicial Magistrate No.1, Kodaikanal dated 20.03.2025.

For Petitioner : Mr.C.M.Mari Chelliah Prabhu

For Respondents : Mr.J.Hasanul Bazari



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ORDER

The Civil Revision Petition is filed against the fair and decreetal order dated 20.03.2025 passed in IA No.2 of 2024 in OS No.21 of 2019 on the file of the District Munsif cum Judicial Magistrate No.1, Kodaikanal.

2. The petitioner is the defendant in OS No.21/2019 and the respondents filed the suit for declaration and permanent injunction against the petitioner/defendant. After examining the defence side witnesses, the petitioner filed IA No.2/2024 under Order XVI Rule 7 of the Code of Civil Procedure to examine himself as a witness and to produce certain documents like plaint, agreement and advocate notice produced in OS No.212/2007 and to examine one Anbuselvi, Advocate Pitchai as defence side witnesses. The said petition came to be dismissed. Challenging the said dismissal order, the petitioner is before this Court.



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3. The learned counsel for the petitioner would submit that admittedly, the petitioner was already examined. It is only a post trial application and opportunity to be given to the defendant and without providing any opportunity to the petitioner/defendant dismissing the petition is not sustainable one. By way of dismissal, the petitioner will lose his valuable rights to examine the witnesses, which was denied by the trial Court. Hence, the learned counsel prays for interference.

4. The learned counsel for the respondents would however submit that even in the affidavit filed in support of the Interlocutory application, the petitioner did not reveal the relevancy of the plaint in OS No. 212/2007 and the notices exchanged between the parties and the affidavit is bereft of these particulars and hence, the trial Court dismissed the said application, which do not warrant any interference at the hands of this Court.

5. I have considered the rival submissions and perused the materials available on record.



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6. Since the petitioner has not revealed the plaint in OS No. 212/2007 in the affidavit filed in support of the petition and the exchange of notices between them, the petition came to be dismissed by the trial Court. Apart from that no documents whatsoever have been annexed to substantiate the case of the petitioner. Hence, no interference is warranted to the order dated 20.03.2025 of the trial Court in IA No. 02/2024. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

03.07.2025

NCC : Yes/No
Index : Yes/No
RR

TO

1.The District Munsif cum Judicial Magistrate No.1, Kodaikanal

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) (NPD) No.1736 of 2025**

Date : 03/07/2025