



WEB COPY

CRP No. 438 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 438 of 2026 and

CMP No.2472 of 2026

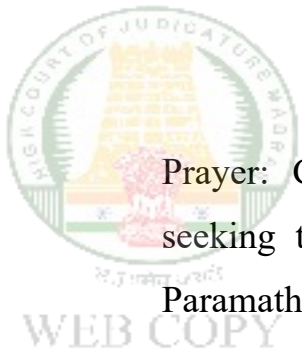
Karumanan Gounder
S/O. Marappa Gounder @ Chinna Thambi
D.No.3/236A, Vettuvampalayam,
Kabilakurichi Village,
Paramthy Velur Taluk,
Namakkal District.

..Petitioner(s)

Vs

1. P.Marayee, W/O.Late Pulli Gounder,
D.No.3/197, Vettuvampalayam,
Kabilakurichi Village, Paramthy Velur Taluk,
Namakkal District.
2. P.Valliyammal (A) Vasantha
W/o. Palaniyappan, Door No. 2/98, Karapalayam
Goundapalayam Village,
Paramathy Velur Taluk, Namakkal Dist.
3. P.Palaniyammal (A) Kannammal
W/o. Palanisamy, Door No. 10, Nanda Kottam
Kattur, Pillayar Kovil Cut,
Punjai Pugalur, Pugalur Tk, Karur
4. P.Murugesan, S/o. Pulli Gounder
Door No. 2/265A, Vettuvampalayam
Kabilakurichi Village, Paramathy Velur Taluk
Namakkal Dist.

..Respondent(s)



Prayer: Civil Revision Petition filed under Article 227 of Constitution of India seeking to set aside the order dated 13.11.2025 passed by the Sub Court, Paramathy in I.A. No. 9 of 2025 in OS No. 55 of 2021.

For Petitioner(s): Ms.S. Vennila
for Vennila Law Firm

ORDER

This Civil Revision Petition has been filed challenging the order passed by the Trial Court, dismissing the application filed by the petitioner seeking issuance of Subpoena to the first respondent/first defendant to appear as witness.

2. The petitioner herein/plaintiff filed a suit for declaration of title and permanent injunction and also for declaration that the sale deed dated 02.12.2019 executed by the defendants 1 to 3 in favour of the 4th defendant was null and void. In the above mentioned suit, trial has been commenced and the 4th defendant was examined as DW1. Thereafter, the petitioner/plaintiff filed the instant application seeking issuance of Subpoena to the first defendant.

3. It is the case of the petitioner that the disputed suit sale deed was executed well within the knowledge of the first and 4th defendants. However, the 4th defendant, who was examined as DW1, failed to answer certain questions raised by the petitioner/plaintiff during his cross examination.



Therefore, summons shall be issued to the first defendant and she shall be examined as witness, so as to enable the petitioner to cross examine her with regard to the said facts. A party to the suit cannot compel the opposite party to enter the box and to depose. If, the first defendant failed to enter the box as a witness and the DW1/D4 failed to answer to the questions raised by the petitioner, the petitioner is always entitled to request the court to take adverse inference. However, the petitioner is not entitled to compel the opposite party to enter the box and to depose, against her wish. Therefore, this court is not inclined to interfere with the order passed by the Trial Court.

4. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

05-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MST

To

The Sub Court, Paramathy



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S.SOUNTHAR, J.

MST

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