



WEB COPY

CRP No. 1370 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1370 of 2026

&

CMP NO. 6648 OF 2026

R.Muthammal,
W/o.Late Ramasamy Nadar,
No.8, Meenatchi Puram,
Gopaliparai,
Arachalur,
Erode -638 101.
Now residing at
S.F.No.1222/A,(1222/1),
Kasturiba Village,
Kasturiba Village Post,
Modakurichi Taluk,
Erode District.

..Petitioner

Vs

C.Neelavenkatavan alias Neelavenkatam,
S/o.Late Chandhira Gounder,
No.33, Arun Thottam,
Chinna Modachur,
Gobichettipalayam.

..Respondent

CRP No. 1370 of 2026:

Civil Revision Petition filed under Art.227 of the Constitution of India praying to set aside the fair and final Order dated 25.08.2025 in I.A.No.04 of 2025 in O.S.No.112 of 2024 on the file of the District Munsif and Judicial Magistrate, Elumathur Village, Modakurichi Taluk by allowing this Civil Revision Petition and thus render justice.

For Petitioner(s):

Mr. V.Anandhamoorthy



ORDER

The petitioner has filed the present Revision praying to set aside the fair and final Order dated 25.08.2025 in I.A.No.04 of 2025 in O.S.No.112 of 2024 on the file of the District Munsif and Judicial Magistrate, Elumathur Village, Modakurichi Taluk

2. Learned counsel for the petitioner submitted that the petitioner has filed a suit against the respondent herein in O.S.No.112 of 2024 before the District Munsif cum Judicial Magistrate, Elumathur, Modakurichi Taluk for the relief of permanent injunction. Pending trial, he filed a petition in I.A.No.04 of 2025 seeking permission to allow the petitioner's son to be examined as PW1 on behalf of the petitioner and to permit the petitioner to be examined as a witness at a later stage, if necessity arises. However, the trial Court, on considering the objection on the side of the respondent, dismissed the petition holding that the reason assigned by the petitioner is not sufficient to permit her to examine her son as PW1 on the side of the plaintiff.

3. Learned counsel for the petitioner submitted that the petitioner is aged about 79 years and has been suffering from mild paralysis and is undergoing naturopathy treatment. Therefore, she filed an application seeking permission to examine her son on behalf of her, but the trial court having failed to consider the age and illness of the petitioner, erroneously dismissed the application



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4. Heard both sides and perused the materials available on record.

5. Perusal of records reveal that the petitioner is a senior citizen, aged about 79 years. The suit was filed in the year 2024 for permanent injunction. On account of her illness, she is undergoing treatment. It is the admitted fact that the petitioner is living 15 kilometers far away from the court. Since her son is also living with the plaintiff, this court is of the view that her son is entitled to give evidence on behalf of the petitioner/plaintiff, but the trial court failed to take note of the age and illness of the plaintiff, denied permission to examine plaintiff's son on behalf of her. In that view of the matter, the impugned order passed by the trial court is set aside.

6. Accordingly, this Civil Revision Petition is allowed. The son of the plaintiff is permitted to give evidence on behalf of the petitioner/plaintiff. No costs. Consequently, the connected miscellaneous petition is closed. Since the plaintiff is aged about 79 years, the trial court is directed to dispose of the case within a period of four months from the date of receipt of a copy of this order.

06-03-2026

Index: Yes/No
Speaking/Non-speaking order
msr



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To:

The District Munsif and Judicial Magistrate,
Elumathur Village, Modakurichi Taluk.



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T.V.THAMILSELVI J.

msr

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AND
CMP NO. 6648 OF 2026**

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