



C.R.P.No.1133 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2026

CORAM

THE HONOURABLE Mr. JUSTICE K. RAJASEKAR

Civil Revision Petition No.1133 of 2023
and
Civil Miscellaneous Petition No.7898 of 2023

Thimmarayan

... Petitioner

Vs.

1.Periyathambi
Rajammal (Deceased)
2.Susila
3.Aanchi
4.Kumar
5.Sivan

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, seeking to set aside the Fair and Decreetal Order in I.A.No.1 of 2022 in O.S.No.279 of 2018 dated 17.02.2023 passed by the learned Subordinate Judge, Tirupattur, Vellore District and thereby allow the above Civil Revision Petition.

For Petitioner	:	Mr.B.Gopalakrishnan
For RR1 to 4	:	Mr.M.Uma Shankar
For R5	:	No appearance

ORDER



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This Civil Revision Petition has been filed challenging the dismissal of the petition to examine the witnesses cited by the petitioner herein.

2. The case of the petitioner is that the petitioner has sought for partition of the suit properties and for allotment of 1/6th share in his favour. According to him, for the purpose of proving his relationship with the family members and to prove his right, he examined himself as a witness and also marked some of the documents. Subsequently, he filed I.A.No.1 of 2022 seeking to summon four witnesses as P.W.4 to P.W.7 namely; G.Rajendran (Retired Headmaster) as P.W.4; Kalyani as P.W.5; Sumathi as P.W.6; and P.W.7 is the Village Administrative Officer, Acchamangalan Village, Tirupathur Taluk. Though he has stated the names of above persons, he failed to specify the purpose for which they were to be examined, merely stating it was for proving the Family Card (Ration Card); Voters Identity Card and Driving Licence.

3. This petition was countered by the respondents, and that examining the witnesses for proving the above documents was not necessary and they have also disputed the petitioner's relationship with the family.

4. The trial Court, after considering the submissions made by both sides,



observed that the petition did not contain relevant details to show that the purpose for which the witnesses were sought to be examined. Though it was stated that the witnesses to be examined for proving certain documents, persons relationship to or knowledge of those documents had not been disclosed. Further, the trial Court held that examining the above witnesses would serve no purpose and accordingly dismissed the application.

5. The learned counsel for the petitioner submitted that the petitioner had marked certain documents to prove his right and relationship between the parties, and that the respondents had marked other documents to dispute the same. He further submitted that those documents were forged documents, and in order to prove the case the petitioner sought to be examined four witnesses who have been stated in paragraph 5 of the affidavit filed in support of the petition. Hence, the trial Court ought to have allowed the petition but without considering the same, the petition has been dismissed and prays to allow the petition.

6. The learned counsel for the respondents submitted that based on the pleadings and connected materials, the Trial Court has properly considered the petition and rejected the same. Hence there is no need for interference by this Court.



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7. I have also gone through the submissions made by the learned counsel on both sides and perused the materials available on record.

8. On perusal of the pleadings, more particularly, paragraph 5 of the supporting affidavit, it is stated that the petitioner herein sought to examine witnesses for the purpose of proving certain documents which were already marked as Exhibit A series, such as the Family Card, Voter's Identity Card and Driving Licence. However, the witnesses sought to be examined seems to be private individuals and retired persons, and there is no pleadings or facts to link those witnesses to the above exhibits or documents produced before the Trial Court. Further, for proving the above document, examination of official witnesses is very much necessary however, examining these private witnesses would serve no purpose. Hence, I am of the view that the trial Court rightly held that the petitioner was not entitled to examine the witnesses mentioned in the application, and this Court is not inclined to interfere with the order passed by the learned Subordinate Judge, Tirupattur, Vellore District.

9. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition stands



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closed.

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Index : Yes

Internet : Yes

Neutral Citation Case: Yes/No

To

1. The Subordinate Judge,
Tirupattur, Vellore District.

K.RAJASEKAR, J.

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