



CRP No. 5675 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 5675 of 2025 and CMP No.28370 of 2025

1. K.Bharathi
S/o. Krishnan, Ubbarahalli Village,
Amanimallapuram Post, Palacode Taluk,
Dharmapuri District.

Petitioner(s)

Vs

1. P.Nagan
S/o. Pachiappan, Poovankottai Village,
Belarahalli Post, Palacode Taluk,
Dharmapuri District.

Respondent(s)

Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 17.06.2025 in I.A.No.1 of 2023 in O.S.No.60 of 2019 on the file of the learned Sub Judge, Palacode (cause title amended as per the order dated 17.09.2025).

For Petitioner(s): R.Selvakumar

For Respondent(s): M/s.G.Mohammed Aseef

ORDER

The defendant has filed an application in I.A.No.1 of 2023 under Order 16 Rule 7(A)(1) of Civil Procedure Code to summon a witness from the Income Tax



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Department. The same was dismissed by the trial Court. Aggrieved by the same, the defendant has filed the present revision.

2. The learned counsel for the revision petitioner/defendant submits that the defendant denied the entire transaction of the plaintiff including the source of income and to prove the same, he wants to examine the income tax officials and the trial Court failed to appreciate such details.

3. Learned counsel for the respondent/plaintiff submits that there is no necessary to summon the Income Tax Department Officials to adduce evidence and the defendant has filed the petition to prolong the suit.

4. I have considered the submissions of the learned counsel on either side and perused the materials on record.

5. A perusal of records would show that examination of income tax officials is necessary to prove the source of income of the plaintiff and liberty is granted to the respondent/plaintiff to cross examine those witness.

6. In the result, the civil revision petition is allowed and the order passed by



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the trial Court in I.A.No.1 of 2023 is set aside and I.A.No.1 of 2023 is allowed. Both the parties are directed to cooperate with the trial proceedings. No costs. Consequently, connected miscellaneous petition is closed.

01.04.2026

sr

Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order

To

The Subordinate Court, Palacode



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T.V.THAMILSELVI.,J

sr

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