



CRP(MD). No.318 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 18.02.2026

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THE HONOURABLE MRS. JUSTICE N.SENTHILKUMAR

CRP(MD).No.318 of 2023 and
CMP(MD).No.1508 of 2023

V. Jeyarathi

... Petitioner

Vs

1.M.Chitrambalam Jeyasingh
2.S.Madan

... Respondents

PRAYER :- Civil Revision Petitions filed under Article 227 of the Constitution of India to set aside the fair and decreetal order passed in I.A.No.10 of 2022 in O.S.No.196 of 2019 on the file of the 1st Additional District Court, Tirunelveli, dated 12.12.2022.

For Petitioner : Mr.H.Arumugam

For respondents 1 and 2 : Ms.R.Sangeetha
Legal Aid Counsel

ORDER

This Civil Revision Petition has been filed challenging the order dated 12.12.2022 passed in I.A. No.10 of 2022 in O.S. No.196 of 2019



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on the file of the I Additional District Court, Tirunelveli.

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2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The suit in O.S. No.196 of 2019 has been filed by the revision petitioner, who is the plaintiff and is aged about 80 years. During the pendency of the suit, the respondents / defendants filed an application in I.A. No.10 of 2022 seeking a direction to the revision petitioner to appear before the Trial Court and depose in person.

4. Considering the advanced age of the revision petitioner, the Trial Court was of the view that his personal appearance before the Court for recording evidence would cause hardship. Accordingly, the Trial Court appointed an Advocate Commissioner to record the evidence of the revision petitioner and, if necessary, to obtain his thumb impression.

5. It is the contention of the respondents that a settlement deed is



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alleged to have been executed by the revision petitioner in their favour.

Since the execution and signature in the said document have been specifically disputed, the recording of evidence assumes significance.

6. In such circumstances, when the very question of execution and signature is in dispute, the appointment of an Advocate Commissioner for recording the evidence of an aged plaintiff cannot be faulted. The general principle that a party must ordinarily depose before Court cannot be applied mechanically, particularly when the plaintiff is aged about 80 years and the dispute involves allegations relating to execution of documents. This Court finds no infirmity, illegality, or material irregularity in the order passed by the Trial Court appointing an Advocate Commissioner to record the evidence of the revision petitioner.

7. Accordingly, this Civil Revision Petition stands dismissed. Considering that the suit is of the year 2019, the Trial Court is directed to dispose of O.S. No.196 of 2019 as expeditiously as possible, preferably within a period of one year from the date of receipt of a copy of this



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order. No costs. Consequently, the connected Miscellaneous Petition is closed.

8. Despite service of notice, respondents 1 and 2 did not appear before this Court, though their names are printed in the cause list. This Court nominated Ms. R. Sangeetha as Court-appointed Legal Aid Counsel. This Court places on record its appreciation for the effective assistance rendered by the learned Legal Aid Counsel. The Legal Services Authority is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Legal Aid Counsel within a period of two weeks from the date of receipt of a copy of this order.

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TRP

Index : yes / no

Internet: yes/ no

TO

1st Additional District Court, Tirunelveli,

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N.SENTHILKUMAR, J.,

trp

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