

Vijayakumari, Vs. Pappathi,

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Court : Chennai

Decided On : Mar-31-2010

Judge : M. Jaichandren, J.

Acts : [Code of Civil Procedure \(CPC\) , 1908](#)

Appeal No. : C.R.P. (PD) No. 91 of 2010

Appellant : Vijayakumari,; C. Pradeep,; Rajeswari And; Minor Gayathiri (Rep. by Her Mother/Guardian Rajeswari)

Respondent : Pappathi,; Balasubramanian,; Sarojini And; Dhanalakshmi

Advocate for Def. : B.G. Saravanbhavan, Adv.

Advocate for Pet/Ap. : K. Kalyanasundaram, Adv.

Disposition : Petition dismissed

Judgement :

ORDER

M. Jaichandren, J.

1. This Civil Revision Petition has been filed against the order, dated 31.8.2009, made in I.A. No. 418 of 2009, in O.S. No. 154 of 2006, on the file of the III Additional Subordinate Judge, Coimbatore.

2. The petitioners in the present Civil Revision Petition are the defendants in the suit, in O.S.No. 154 of 2006. The respondents had filed the said suit praying for partition of the suit schedule properties. After three of the plaintiffs had been examined during the trial in the suit, the petitioners had filed an interlocutory application, in I.A. No. 418 of 2009, praying that the trial Court may be pleased to issue summons to the first plaintiff to depose on behalf of the defendants in the suit.

3. The trial Court, by its order, dated 31.8.2009, had dismissed the application stating that there is no provision in the Civil Procedure Code, 1908, or in any other law for the Court to compel any party to be examined as a witness. The trial Court had further held that the interlocutory application had been filed only with the mala fide intention of dragging on the proceedings in the suit.

4. In view of the submissions made by the learned Counsels appearing for the parties concerned and on a perusal of the records available, this Court is of the considered view that the petitioners have not shown sufficient cause or reason to interfere with the order, dated 31.8.2009, I.A. No. 418 of 2009, in O.S. No. 154 of 2006, on the file of the III Additional Subordinate Judge, Coimbatore. Hence, the Civil Revision Petition stands dismissed. No costs. Consequently, connected M.P. No. 1 of 2010 is closed.