

IN THE COURT OF THE MUNSIFF OF ALATHUR

Present:- Sri.Binu.P., Munsiff, Alathur

Wednesday, 1st day of November, 2023

(10th day of Karthika, 1945 S.E)

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INTERLOCUTORY APPLICATION No.06/2023(IA.1116/2023)

IN

ORIGINAL SUIT No.149/2023

1. Ismail, aged 55 years, S/o Kabeer, Government Employee, residing at "Sanah", Maruthamkadu, Kattussery amsom desom, Alathur Village, Alathur Taluk.

2. Ahammed Kabeer, aged 55 years, S/o Ummaar, Business, residing at West Kattussery, Kattussery amsom desom, Alathur Taluk, Pin-678 541.

3. Mysoon, aged 44 years, S/o Ahammed Kabeer, Swastham, residing at West Kattussery, Kattussery amsom desom, Alathur Taluk, Pin-678 541.

Petitioners/
Defendants

Vs.

Mohammed Faisal, aged 40 years, S/o Late Chinnathambi, Business, residing at Chinnathambi Manzil, Maruthamkadu, Kattussery amsom desom, Alathur Village, Alathur Taluk.

Respondent/
Plaintiff

This petition is coming on this day for hearing before me in the presence of Sri.K.K.Appukuttan, Advocate for the petitioner and of Sri.N.R.Venkitanarayanan, Sri.Arjun Kishore and Smt.Sowmya Iyer, Advocates for respondent and this Court passed the following.

ORDER

This petition is filed by the Petitioner under Order 19 Rule 1 of the Civil Procedure Code.

No counter is seen filed. For proving the possession of the petitioner affidavit of third party can't be admitted in evidence and marked as exhibits. In a petition under order 39 Rule 1 and 2, third party affidavit can't be admitted in a document for adjudication of the same. The reasons stated in the affidavit is not sufficient to invoke the Order 19 Rule 1 of Civil Procedure Code. Hence the petition is dismissed.

Pronounced by me in open court on this the 1st day of November, 2023.

Munsiff

APPENDIX : NIL

Munsiff

Typed by : Sudha.M.V
Compared by : Sabitha.M

Fair/Copy of

Order in IA. No.06/2023

(IA.1116/2023) in

O.S.No.149/2023

Dated: 01.11.2023