

IN THE COURT OF THE DISTRICT MUNSIF AT MADURANTAKAM

PRESENT: Tmt.R.Mahalakshmi., B.A., B.,L.,

District Munsif, Madurantakam

Wednesday, the 2nd day of July, 2025

I.A.No.14/2025

in

O.S.No.202/2012

Anand rep. By his power agent Kasthuri

...Petitioner/Plaintiff

-Vs-

1. Lakshmipathy
2. Boologa Reddiar
3. Kumarasamy
4. Ashokram
5. Mahendran
6. Kuppusamy
7. Rajendran
8. The Sub Registrar,
Acharappakkam
9. Anusuya
10. Sasikala
11. Lakshmi bai
12. Venkatesan
13. Sriram
14. Revathy

...Respondents/Defendants

This petition coming up before me on 21.06.2025 for final hearing in the presence of, Tr.V.Agoram, counsel for Petitioner/Plaintiff and Respondents 2, 4 to 10 and 13/Defendants 2, 4 to 10 and 13 having been already set exparte and after hearing the arguments on Plaintiff side and upon perusing the materials placed on record, and having stood over for consideration till this day, this court delivers the following,

ORDER

The Petitioner/Plaintiff had filed this petition to scrap the evidence of the PW3.

2.The averments stated in the petition, in brief :

(i). The petitioner herein is the power agent of the Plaintiff. The petitioner states the chief examination of PW3 was closed and the case is posted for cross examination of PW3. The petitioner further states that at this stage, the PW3 was threatened by the respondents/defendants. Therefore the PW3 could not able to attend the court for cross examination. Hence the petitioner has filed this petition to scrap the evidence of PW3. The petitioner further states that there will be no prejudice caused to the respondent in allowing this petition. On the other hand if the unless the evidence of PW3 is not scraped the petitioner will be put to great loss and hardship. Hence the petition.

3. The Respondents 1, 3, 11, 12 and 14 had endorsed no counter and had remained exparte.

4. The point for determination is whether these petitions are to be allowed or not?

5. No Exhibits marked and no witnesses were examined on both sides.

6. Heard Plaintiff sides and perused the records.

7. On perusal of records it is seen that the suit is filed by the plaintiff for the relief of declaration and permanent injunction. It reveals that witness one John was examined as PW3 and he filed his proof affidavit and chief examination is closed. Thereafter the case is posted for cross examination of PW3 on 21.12.2024. It is seen from 21.12.2024 to 17.02.2025, PW3 was absent and not appeared for cross examination. Thereafter the petitioner filed the present petition to scrap the evidence of PW3. The petitioner has stated the witness PW3 was threatened by the respondent/defendant and hence he could not attend the court for deposing the evidence. But the petitioner has not produced any evidence that witness PW3 was threatened by respondent/defendant. Though the respondent counsel has endorsed as no counter, this court holds that scrapping of chief examination of PW3, who is not subjected to cross examination is not fair. Simply as the witness is threatened by the

respondent side he was not able to appear before this court for the cross examination is not believable and acceptable. Further the right of cross examination by the opposite party will not be denied for the aforesaid reason. And further it is also seen that suit is filed in the year 2012 and it shows that this petition is filed to protract the case proceedings. Therefore this court decides to dismiss this petition. And further the open to the plaintiff to produce his witness PW3 in next date of hearing and if the witness is not cross examined by defendant side, this court will proceed in accordance with law.

8. In the result, this petition is dismissed. No costs.

Dictated to the Stenographer, typed by her and corrected and pronounced by me in open court on this the 2nd day of July, 2025.

Sd/-R.Mahalakshmi
District Munsif
Madurantakam

Petitioner side witnesses and documents:

Nil

Respondents side witnesses and documents:

Nil

Sd/-R.Mahalakshmi
District Munsif
Madurantakam