

**IN THE COURT OF THE II ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL.**

Present : Tmt. M.Alima, B.A., L.L.M.,

II Additional District Munsif, Nagercoil.(FAC
Thursday, on the 19th day of December, 2024.

I.A. Nos. 11 of 2024 in

O.S. No. 133 of 2019

1. Ponnuswamy (died)

2. Rajadurai

3. Selvaraj

4. Muthammal

5. Thankasivan

6. Sreedharan

7. Gangawathy

8. Thamizharasi

Addl.9. Panneerselvam

Addl.10. Thangapadma

Addl.11. Thangakumar

Addl.12. Thangajothi

Addl.13. Thanganathan

Addl.14. Thangakani

Addl.15. Thangamathavi

Addl.16. Thangalalitha

(Impleaded as per order in I.A.No.6/2023

dated 21.07.2023)

... Petitioners / Plaintiffs

-vs-

1. Balan

2. Muniaswamy

3. Lingeswari
 4. Athithan
 5. Periaswamy
 6. Ananthammai
 7. Indira
 8. Athiappan
 9. Arul Anand
 10. Rajkumar
- ... Respondents /Defendants

This Petition came up before this Court today i.e. 19.12.2024, for a final hearing in the presence of Mr. R. Ravindran, learned Counsel for the petitioners / plaintiffs, and Mr. C. Ashok Kumar, learned counsel for the 2 to 10 Respondents / 2 to 10 defendants, endorsed 'no counter' and 10th Respondent/10th defendant, counter not filed, set exparte in this petition and 1st Respondent/1st defendant was set exparte in the suit and upon hearing both sides, perusing the case records, and having stood over for consideration till this day, this court hereby delivers the following:

ORDER

The petitioner had filed the above petition under Order XVI Rule 1 and Section 151 of the C.P.C. seeking to pass order to issue summons to the following witnesses for additional evidence on the side of plaintiff to prove the case and thus render justice.

2) Gist of Averments in the Petitioners/Plaintiffs Petition :

The Petitioner is the 2nd plaintiff in the suit. The suit is filed for permanent injunction against the defendants, as they interfering in the peaceful possession and not allowing to conduct poojas in the plaint schedule property. The suit property belong to the petitioners/plaintiffs wherein the respondents/defendants have not allow to conduct poojas and damaged the temples and stolen away about Rs.30,000/- worthful pooja materials. They demanded that the temple situated in the puramboke land then they are also right over it. In order to prove the suit properties belonged to the plaintiff PW1 and PW2 deposed the evidences before the court and is passed for further evidence on the side of plaintiff. That the defendants were disturbed and damaged the temples and demanding the temple properties are their own. In order to strickly prove the same before this court, 3 police complaints registered against the respondents/defendants by the South Thamaraiikulam Police Station and dismantle the Puramboke area with the help of the PWD Engineer. This incidents were known to one public person, who are all necessary evidences on the side of plaintiuff. For which, the petitioner filed a witness schedule before this court, they ought to be examined as witnesses to prove our case. These witnesses are necessary to summon only for the purpose of prove our case and not for any other purpose. If the court has not allowed these witness for

adducing evidence to prove our case on the side of plaintiffs it will cause irreparable loss and hardship to us. Hence, this petition is to be allowed.

3) The 2 to 9 Respondents Counsel endorsed “ No Counter ” in this petition. 1st and 10th Respondents were set set exparte.

4) The point for consideration is whether the above petition has to be allowed or not.

5) Point:

Heard both sides. Records perused. The petitioners have filed the above petition, to issue witness's summons to the (1) Elango, S/o. Chinna Nadar, 1-39 Main Road, Swamythoppu & Post and (2) Assistant Engineer, W.R.O.P. W.D. Irrigation Division, Mylaudy, Kanyakumari District and (3) Inspector of Police, South Thamarakkulam Police Station to appear and give oral evidences in this case. Now, this case is pending for further Plaintiff side evidence. This court considers that the witnesses mentioned in the petition are necessary to decide the original case and to give the petitioners sufficient opportunity to prove the case. Hence, this court inclined to allow this petition.

6) As a result, this petition is allowed, without costs.

Dictated to the Steno-Typist directly, transcribed and typed by her in computer, corrected and pronounced by me in Open Court, this the 19th day of December 2024.

II Additional District Munsif,
Nagercoil.

Petitioner side witness & Documents : Nil

Respondents side witness & Documents : Nil

II Additional District Munsif,
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I.A. No. 11 of 2024 in
O.S. No.133 of 2019
Fair Order
Date: 19.12.2024.
II ADM Court, Nagercoil.

