

**IN THE COURT OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
PUDUKKOTTAI.**

PRESENT : Thiru.K.Poorana Jeya Anand, M.A., M.L.,
Principal District Judge, Pudukkottai.

Friday, the 05th day of June, 2026
(Thiruvalluvarandu 2057 Parabhava Varudam Vaikasi Thingal 22nd day)

Interlocutory Application No.01/2025 in
IDOP.No.80/2024

Mickeyanand

...

Petitioner

Versus

Paulin Patricia

...

Respondent

This Interlocutory Application has come up for final hearing before me on 20.04.2026 and upon hearing the arguments of Mr.G.Arockiyasamy, Learned Advocate appearing for the Petitioner and of Mr.C.Elango, Learned Advocate appearing for the respondent and upon perusing the available records and having stood over for consideration till this day, this court passed the following...

ORDER

1) The petitioner filed this petition under Order 26 Rule 1 of CPC praying to appoint an Advocate Commissioner for the purpose of examine the petitioner as PW1 in his residence by exempting from attending Court and to record the evidence of PW1 and to file a report along with the evidence of PW1 before this court.

2) The case of the petitioner is as follows:-

2.1) The petitioner filed a divorce petition against the respondent, and the same is pending before this court. The petitioner has been severely injured in a road accident on 25.03.2023. The petitioner is bedridden for over 2 years and unable to walk. The petitioner is continuously undergoing several surgeries to till date. Therefore, the petitioner unable to appear in person before this court to give evidence for trial. Hence, the petitioner pray to appoint an Advocate Commissioner for the purpose of examine the petitioner as PW1 in his residence by exempting from attending Court. Hence pray to allow the petition.

3) The case of the Respondent is as follows:-

3.1) The petition is not maintainable either in law or on facts. It is true that the petitioner met with an accident. It is false to state that he is completely bedridden without any mobility. The petitioner is moving around with the help of others. The petitioner is coming directly to meet this respondent. The petitioner filed this petition on the instigation of someone else. The petitioner has been kept completely under the control of his family members. The petitioner filed this petition with bad intention. Hence, pray for dismissal of the petition.

4) Whether the petition is to be allowed or not?**Point**

5) Heard both side and perused the records.

6) This is the application filed by the petitioner to appoint Advocate Commissioner for the purpose of examine the petitioner as PW1 in his residence by exempting from attending Court.

7) The learned counsel appearing for the petitioner has submitted that the petitioner has been severely injured in a road accident on 25.03.2023. The petitioner is bedridden for over 2 years and unable to walk. The petitioner is continuously undergoing several surgeries to till date. Therefore, the petitioner unable to appear in person before this court to give evidence for trial. Hence he prays to appoint an advocate commissioner.

9) Per, contra the learned counsel appearing for the respondent has submitted that it is false to state that he is completely bedridden without any mobility. The petitioner is moving around with the help of others. The petitioner is coming directly to meet this respondent. Hence he prays for dismissal of the petition.

10) At this juncture, this court has to decide whether the appointment of advocate commissioner is necessary or not?

11) The petitioner has contended that the petitioner has been severely injured in a road accident on 25.03.2023. The petitioner is bedridden for over 2 years and unable to walk. The petitioner is continuously undergoing several surgeries to till date and to prove the same he submits the photo copy of him.

12) Considering the submissions put forth by the both parties and considering the other facts and circumstances, appointment of commissioner is necessary in this

case. Hence, this court is inclined to allow this petition as prayed for and thus, the point is answered accordingly.

In the result,

1) Advocate **Mr.R.Pavithran, M.S.No.4213/2023** is hereby appointed as Advocate Commissioner;

2) The Fee for the Advocate Commissioner is fixed as Rs.15,000/- which is to be paid by the petitioner herein directly to the Advocate Commissioner;

3) The Advocate Commissioner is directed to examine the petitioner as PW1 in his residence by exempting from attending Court and to record the evidence of PW1 and to file a report along with the evidence of PW1 before this court on or before 29.06.2026. Call on 30.06.2026.

This Order is directly dictated to Stenographer Grade.III of this Court, typed by him in Computer, corrected and pronounced by me in open court, this the 05th day of June, 2026.

**Principal District Judge,
Pudukkottai.**

Both side Witnesses examined and documents marked:- Nil.

**Principal District Judge,
Pudukkottai.**