

**In the Court of District Munsif, Mudukulathur**

**Present : Ms.J.C.Aparna, B.A, L.L.B.,**

**District Munsif,**

**Mudukulathur.**

**Wednesday the 07<sup>th</sup> day of January 2026**

**I.A.No.05/2025**

**in**

**O.S.No.98/2012**

1. Ramamoorthy

2. Sendhoorpandiyar

3. Paranjothi

4. Rekha

5. Pandidurai

6. Prema

7. Ilangeswari

..... Petitioners/1,2,3,5,6,21,22 Defendants

/VS/

1. Lingammal

2. Ramayi

....Respondents/Plaintiffs

This petition came on 12.12.2025 before this court for a final hearing in the presence of Thiru.S.Chandrasekaran, Learned Counsel for the Petitioners/1,2,3,5,6,21,22 Defendants, Thiru.S.Periyasamy, Learned Counsel for the Respondents/plaintiffs and upon perusing the material records and having stood over till this day for consideration, this court delivered the following:

**ORDER**

This petition has been filed under Order 16 Rule 1&3 of Civil Procedure Code to examine One Mr. Kasi Thevar and one Mr.Govindhan on the side of the defendants.

**2. The contention of the Petitioners/1,2,3,5,6,21,22 Defendants in brief:-**

The 1<sup>st</sup> petitioner is the 1<sup>st</sup> defendant in the main suit. He files this petition for himself and on behalf of the other petitioners. The petitioner states that in the settlement deed marked as Exhibit B1 in the suit, One Mr. Kasi Thevar and one Mr.Govindhan have attested as witnesses and that the said persons are fully aware of the fact that the suit properties had already been partitioned earlier. If the above said persons are examined as witnesses, the fact that partition was already effected in respect of the suit properties can be proved. Hence it is necessary to examine the said witnesses before the court. Hence this petition.

**3. Brief averments of the Respondents/plaintiffs in brief:**

The respondents/plaintiffs deny the averments in the petition except which are explicitly admitted. The attesting witness cannot be presumed to know the contents of the documents. The Ex.B1 is a fraudulent document and is a forged one. This petition is filed to drag on the proceedings and is liable to be dismissed. Hence prays to dismiss the petition.

**4. Point for consideration:-**

Whether the petition be allowed and the relief be granted as prayed for?

No documents filed on either side. The petition was reserved for orders by granting liberty for both side enquiry on or before 05.01.2026. After giving sufficient opportunities, both counsels did not enquire the matter. Available records perused.

**5. Answer to the Point:-**

5.1. The petitioners/1,2,3,5,6,21,22 defendants state that the 1<sup>st</sup> plaintiff had executed a settlement deed (Ex.B1) infavour of her daughter. In the said settlement deed, it is admitted by the 1<sup>st</sup> plaintiff that the suit property is already partitioned. The petitioners/1,2,3,5,6,21,22 defendants state that it is necessary to examine the witnesses who have attested as witnesses in the said Ex.B1 as to the partition as they are also well aware of the partition. To prove the same to the court, it is necessary to examine the said witnesses before the court.

5.2. On the other hand, the respondents/plaintiffs deny the averments in the petition and state that the attesting witness cannot be said to been aware of the contents of the document and the said document relied on by the petitioners/1,2,3,5,6,21,22 defendants is itself a fraudulent one and the 1<sup>st</sup> plaintiff never executed a settlement infavour of her daughter and this petition is filed only to prolong the proceedings.

5.3. Heard both sides. Records perused. Considering this is a court of first instance and considering this is a suit for partition, sufficient opportunity

must be granted to the parties to establish their case. The respondents/plaintiffs content that the Ex.B1 is a fraudulent one and the witnesses are close relatives of the petitioners/1,2,3,5,6,21,22 defendants but there will be no harm in examining the said attesting witnesses before the court as the respondents/plaintiffs will have a right to cross examine the said witnesses. If this petition is allowed, there will be no prejudice to the respondents/plaintiffs and will help the court in arriving at a proper conclusion to the issue at hand. Hence in the light of the above discussions, this petition is allowed and batta within 3 days.

6. In the result, this petition is allowed. No costs.

Directly typed by me in my official laptop and formatted by Steno Typist, corrected and pronounced by me in open court on this 07<sup>th</sup> day of January 2026.

**District Munsif,  
Mudukulathur.**

**Both side witnesses and documents : Nil**

**District Munsif,  
Mudukulathur.**