

**IN THE COURT OF THE II ADDITIONAL DISTRICT & SESSIONS JUDGE,
THANJAVUR.**

**Present :Tmt. A. Malarvizhi, M.L.,
II Additional District & Sessions Judge,
Thanjavur.**

Friday the 20th day of October 2023
(Thiruvalluvar Aandu 2054- Ippasi Matham 3rd day)
I.A.No.202/2023 in O.S. No.90/2020

Meenakshi**Petitioner/Defendant**

/Vs/

(1) Y. Aarthi
(2) G. Nandhini Priya**Respondents/Plaintiffs**

This petition having come up for final hearing before me on **13.10.2023** in the presence of **Thiru.P. Lenin**, Advocate for the Petitioner and of Thiru. **S. Manickavel Pandian**, Advocate for the respondents 1, 2 and upon hearing the arguments of both sides, upon perusal of the entire material records pertaining to the case and the matter having stood over for consideration till this date, this court delivered the following

ORDER

(1) This petition has been filed by the petitioner/defendant U/o. 16 rule 2 r/w.151 of CPC. to issue summons to witness.

(2) The petitioner's counsel argued that this suit was filed for recovery of possession. The case is now posted for defendants' side evidence. In order to prove the case of the petitioner, she has to be establish some fact about the dispute between the petitioner and her husband, panchayat held for jewels and money which were taken by her husband and the issues raised at the time of her husband's death, taxes were paid by the petitioner for her husband's house. The witnesses listed in this petition had knowledge about

those facts. So they have to be examined on the defendants' side. Therefore, the court may issue summon to both witnesses,. If the petition is not allowed, the petitioner will be put much hardship. So, the petition may be allowed.

(3) The respondents' counsel argued that the witnesses listed are not relevant to this suit. The respondents/plaintiffs have filed a suit for recovery of possession. The witnesses called for the evidences in regard to dispute between the petitioner and her deceased husband is no way related. Such witnesses are irrelevant witnesses. They may not be examined contrary to the case relief. The petition is totally procedural wrong. This petition is devoid of any merits and deserves no consideration. So, it may be dismissed.

(4) Both side arguments and records considered. It is found that as stated by both side, the suit is filed for recovery of possession on the basis of settlement deed dated 1.10.2018 executed by the father of the plaintiff Govindasamy who is the husband of this petitioner/defendant. The dispute between the petitioner and her deceased husband , money taken by her husband and issues raised at the time of her husband's funeral and the jewells are also irrelevant to the facts. So, this court accepts the argument of the respondent and this court views that no valid reason, So, the witnesses listed need not be examined, since they are not relevant witnesses to the fact in issue. Hence, this court decides that this petition is liable to be dismissed.

(5) In the result this petition is dismissed. No costs.

Dictated to the Steno-Typist, typed by her in computer, corrected and pronounced by me in open court, this the **20th day of October 2023.**

**II Additional District & Sessions Judge,
Thanjavur.**

Petitioner and Respondents side
Exhibits and witnesses: Nil

**II Additional District & Sessions Judge,
Thanjavur.**

ORDER
I.A No.202/2023 in
O.S. No.90/2020
Dated: 20.10.2023.