

IN THE COURT OF THE FIRST ADDITIONAL DISTRICT JUDGE,
TIRUNELVELI.

PRESENT: Thiru. D. SELVAM, M.L.
1st Additional District Judge,
Tirunelveli.

Monday, the 13th day of July 2026

I.A. No. 05/2026 in O.S. No. 281/2024

1. Sujith
2. Rubicon Agro Technologists
Deed of Partnership, Through its
Partner, Sujith ... Petitioners/plaintiffs

// Versus //

Vaithiyanathan ... Respondent/Defendant

This petition came up before this court on 07.07.2026 for a final hearing in the presence of Thiru. S. Navamani, Advocate for the Petitioner and Thiru. A. R. Ramasubramanian, Advocate for the Respondents, and upon hearing both sides' arguments and upon perusing the records and having stood over till this date for consideration, this court delivers the following ...

ORDER

1. Prayer:

This petition has been filed under Order 32 Rule 1 of the C.P.C to appoint the petitioner's wife, Reshmi, as an assistant with costs.

2. The brief averments of the petition are as follows:-

The petitioner is the 1st plaintiff in the suit. He well known for the case details. original suit was filed for the relief of the declaration that the right of per-emption to

purchase the property and not evicted the plaintiffs without due process of law. 1st Plaintiff currently visual impairment for treatment in Aravind Eye Hospital. The suit is pending for trial. So, the petitioner/plaintiff needs an assistant to depose the evidence with reference of the documents and to answer the cross-examination. Since he only know the all affairs of the company. Hence, this petition is filed.

3. The brief averments of the counter filed by the respondent are as follows:-

The petition is false, frivolous, and vexatious; the respondent denied the allegations contained in the petition except for the admitted facts. The petition is not maintainable in law and on the facts. If the petitioner is visually impaired, he could not depose evidence with the reference of the documents with an Assistant. The respondent is ready to take of the business as the partner, since the petitioner has not paid the rents in property. So, the tenant could not claim right of pre-emption to purchase the property based on the lease hold property. As such, the petitioner dragging on the case. Hence, the petition may be dismissed with costs.

4. The Point for determination in the petitions are:

Whether these petitions can be allowed?

5. During the enquiry, no evidence was adduced and no documents were marked on both sides.

6. Answer to the Point: -

6.1. Heard both sides. This court carefully perused the affidavit, petition, counter, and case records.

6.2. On perusal of the records, the suit is filed for the relief of declaration of the preemption right and injunction. The suit is pending for trial. At this stage, the petitioner has filed the application for revision to appoint the petitioner's wife, Reshmi, as his assistant to depose the evidence with reference of documents. Per contra, the respondent has opposed the petition.

6.3. This court considered revival submissions and case records. The suit is pending for trial. The petitioner/1st plaintiff is seeking the assistance of his wife for deposing evidence with reference to the documents. Even though the respondent raised objections about some points, it will be decided at trial. The petitioner is ready to give evidence and is seeking permission to refer the documents with the assistance of his wife by the reason of visually impaired. As per the settled position of law, and section 120 of the Indian Evidence Act, the wife can depose the evidence on behalf of her husband. As such, the wife can assist her husband to depose the evidence with reference to the documents, which is legally recognized. Since, the petitioner is visually impaired and he got the eye treatment. So, this court would like to allow the petition by the interest of justice.

7. In the result, this petition is allowed U/s. 151 of the CPC and permit the petitioner's wife to assist the petitioner for the reference of the documents during the examination of witness.

Dictated to the steno-typist, and directly typed by her on the computer, corrected, and pronounced by me in open court on this, the 13th day of July 2026.

1st Additional District Judge,
Tirunelveli.

The petitioner's side witnesses and documents: Nil
The respondent's side witnesses and documents: Nil

1st Additional District Judge,
Tirunelveli.

I Additional District Court,
Tirunelveli
DRAFT / FAIR ORDER
IA No.05/2026 in
OS No.281/2024
Dated: 13.07.2026