

IN THE COURT OF THE DISTRICT MUNSIF, VANDAVASI,
TIRUVANNAMALAI DISTRICT.

PRESENT : Tr. R. SENTHIL KUMAR, B.A.,B.L.,
DISTRICT MUNSIF.

TUESDAY THE 16TH DAY OF JULY 2024

IA.No. 02/2024 in O.S.No.111/2007

Mythili

. . . Petitioner/Plaintiff

-Vs-

1. Ramkrishnan Iyyar(Died)
2. Nagarajan,
3. Vasu,
4. Anandan,
5. Meganathan,
6. Vijaya

...Respondents/Defendants

This petition when coming before this court on 16.07.2024 in the presence of Mr. P. Silambarasan, learned counsel for the Petitioner/Plaintiff and the Mr. V. G. Senthilkumar, Mr. J. Nethaji, learned counsel for the Respondents/defendants and upon hearing both and upon consideration of the case records and having stood over for consideration till this date, this court delivers the following...

ORDER

No representation for both. Hence, deemed to be heard. In this petition issuance of summons to a witness is sought for examining the witness on the side of plaintiff.

It is claimed by the petitioner/plaintiff that the witness is an attending witness to her sale deed, thus examination of proposed witness would prove her case.

It is objected by the respondents 2, 4 that the proposed witness is the husband of the petitioner's sister and that all had colluded to fabricate documents and that the proposed witness is the plaintiff in OS.No. 76/2008 which is simultaneously tried along with this suit.

Point:- Whether this petition is liable to be allowed or not?

It is true that the proposed witness is the plaintiff in OS.No. 76/2008 and it is simultaneously tried along with this suit. Even the proposed witness is close relative

to the petitioner and he has the knowldege about the this suit, he cannot be examined as a witness without summons as per the petitioner. Hence, this court is of the view that the proposed withess may be examined in this suit and his worthyness and value of evidence can be decided at the time of judgment. Accordingly the point is answered.

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

This order is pronounced by me in the open Court on this the 16th day of July 2024.

Sd/-. Tr.R. Senthilkumar,
District Munsif,
Vandavasi.

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District Munsif,
Vandavasi.