

**IN THE COURT OF THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE
VELLORE, VELLORE DISTRICT.**

PRESENT:Tmt.G. Santhi, B.A., M.L.,
I Additional District and Sessions Judge,
Vellore.

Friday, the 18th day of October, 2024

IA No.2/2024 in MCOP No.412/2017

Tata AIG GIC Ltd. ... Petitioner/3rd Respondent

Vs.

1. Shaik Shakila		
2. Sulaiman		
3. Atiq		
4. Shaisha	...	Respondents/Petitioners
5. C.Ramesh	...	Respondent/1st Respondent
6. Gopinath	...	Respondent/2nd Respondent
7. Future GIC Ltd.	...	Respondent/4th Respondent

This petition is coming up for final hearing before this Court on 27.09.2024 in the presence of Thiru.D.Muthukumar, Advocate for the Petitioner/3rd Respondent, Thiru.N.Sankar, Advocate for the Respondents/Petitioners 1 to 4, Thiru.P.Thulasimani Selvam, Advocate for the Respondent/4th Respondent and the Respondents/1st Respondent and 2nd Respondent were called absent, set exparte and upon hearing the arguments on both sides, upon perusing the entire case records and having stood over for consideration till this day, this Court delivered the following:-

ORDER

Petition filed by the petitioner under Order 18 Rule 3A and Sec.151 CPC to allow the Legal Officer/Official of the 3rd Respondent/Insurance Company to examine at later stage, after the examination of the other witnesses.

2. Brief averments of affidavit of Petitioners are as follows:-

The petitioner has filed this petition on behalf of the 3rd respondent and stated

that the 3rd Respondent/Insurance Company's Official wishes to appear as a witness at a later stage after the examination of other witnesses which is neither wilful nor wanton. this is only for some genuine reasons which could not be foreseen initially. If the petition is not allowed, this 3rd respondent will be put to irreparable loss and hardship and prays to allow the Legal Officer/Official of the 3rd Respondent/Insurance Company to examine at later stage, after the examination of the other witnesses.

3. Brief averments of Counter Objection of 7th Respondent are as follows:-

The petitioner/III respondent did not give any reason to appear as a witness at a later stage after the examination of other witnesses and the petition is devoid of merits and the same is not maintainable and prays to dismiss the petition with cost.

4. No oral and documentary evidence on both sides.

5. The point for consideration is whether the petition is to be allowed or not ?

6. POINT:

Heard. Records perused. This petition is filed to allow the Legal Officer/ Official of the 3rd Respondent Insurance Company to examine at later stage after the examination of other witnesses. In which the 7th respondent filed objection stating that the 3rd respondent did not give any reason to appear as a witness at a later stage after the examination of other witnesses and the petition is devoid of merits and it is to be dismissed.

Order 18 Rule 3 A read as follows:

“Party to appear before other witnesses – Where a party himself wishes to appear as a witness, he shall so appear before any other witness on his behalf has been examined, unless the court, for reasons to be recorded, permits him to appear as his own witness at a later stage.”

The respondent stated that no reason was stated by the petitioner, but the petitioner stated that there is some genuine reason which could not be foreseen initially. Considering the reason stated by the petitioner by allowing this application no prejudice

will be caused to the parties. Hence, this Court decided to allow this application.

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

Dictated by me to the Steno-typist, typed by her in computer, corrected and pronounced by me in the Open Court, this the 18th day of October 2024.

I Additional District and Sessions Judge,
Vellore.