

**IN THE COURT OF DISTRICT MUNSIF, GUDIYATTAM,
VELLORE DISTRICT.**

Present: **Tr.K.Karthick Asath, B.A.,B.L.,(Hons),LLM.,**
District Munsif,
Gudiyattam.

Wednesday, this the 13th day of August 2025

I.A. 03/2025
in
O.S.No. 122/2023

E. Pushpa

.... Petitioner/ Plaintiff

// Versus //

1. The District Collector, Vellore.
2. The Tahsildar, Gudiyattam,
3. The Village Administrative Officer,
Kondasamuthiram Panchayat Office,
Gudiyattam.
4. The Sub-Inspector of Police,
Gudiyattam Town Police Station,
Gudiyattam, FIR.No.553/2013
5. Muniyamma.

.... Respondents/Defendants

This petition came up on 23.07.2025 before me for final hearing in the presence of Thiru.J.Arumugam, Advocate for Petitioner and Thiru.K.Loganathan, Advocate for the Respondents 1 to 4 and 5th respondent set exparte, upon perusing the case records and having stood over for consideration till this day this court delivered the following.

Order

Petition filed under Section 151 of Code of Civil Procedure 1908 to grant permission to examination of the Sub-Inspector, Gudiyatham Town

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Police Station in respect of registered FIR.No.553/2013 dated 27.06.2013 the missing person namely Kuppaiyan Chettiar as witness PW2.

1. Brief Averments of the Petition:-

The petitioner is the plaintiff in the suit. He filed affidavit to support the petition filed under section 151 of Code of Civil Procedure 1908 to seeking permission to examination of the Sub-Inspector of Police, Gudiyattam Town Police Station to appear to answer about registering FIR.No.553/2013 dated 27.06.2013 for man missing case. That the status of on going investigations by the Sub Inspector of Police, Gudiyattam including any potential leads or suspects of said FIR.No.553/2013 of the information is crucial to determining the effectiveness of the investigation and ensuring that all necessary steps are taken to find the missing person namely Kuppaiyan Chettiar.

2. Brief Averments of the respondents 1 to 4 :-

The respondents submit that the petitioner seeking permission to examination of the Sub Inspector Gudiyattam Town to answer about registering FIR.No.553/2013 dated 27.06.2013. The respondents further submits that the on going investigations including potential leads or suspects of the said FIR is crucial hence this petition is non maintainable. Further submit that the Sub Inspector, Gudiyattam is the 4th defendant in the suit hence he cannot be compel to give evidence on the side of plaintiff. The FIR already filed and mark on the side of petitioner hence a question fo examination of 4th defendant is not necessary. The present application is filed to collect evidence to prove her case. Hence prayed to dismiss the petition.

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3. Both side enquiry heard. Records perused.

4. **Point for consideration:-**

Whether the application is liable to be allowed ?

5. **Evidence:-**

No documents produced by both parties.

6. **Discussion :-**

On perusing the available records and considering the submission made by both counsels this court proceeds to delineate its finding by the following discussion. The suit filed by the petitioner to declare his father Kuppayan Chettiar as died who is missing since 20.06.2013 and issue death certificate for the petitioner father. The plaintiff examined herself as PW1 and the petitioner filed this application seeking permission to examine the Sub Inspector of Gudiyattam who is registered FIR.No.553/2013 as PW2.

7. On perusing available records it is revealed that the petitioner already marked the concerned FIR.No.553/2013 as Ex.A2 and the further action drop report as Ex.A3. And the person seeking to examine as a plaintiff side witness is non other than the 4th defendant in the main suit. The plaintiff has to prove his case by adducing necessary evidence and not to prove his case by complying the defendant to adduce evidence for plaintiff side. While already the above said FIR was examined and status report filed as further action dropped and marked as Ex.A3 by the petitioner herself, it is not necessary to examine the 4th defendant regarding the

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closed FIR 553/2013. On the above findings this court considered that is not necessary to examine the public servant and 4th defendant as a plaintiff side witness. Hence this court not inclined to allow the petition.

8. Result :-

As a result, this petition is dismissed. Without cost.

Dictated to Steno typist directly, typed by him corrected and pronounced by me in the open Court on this the 13th day of August 2025.

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Petitioners side Witnesses and Exhibits :- Nil

Respondents side Witnesses and Exhibits :- Nil

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