

**IN THE COURT OF DISTRICT MUNSIF, KATPADI, VELLORE
DISTRICT**

**PRESENT: THIRU. K.VENKATESAN, B.A., B.L.,
DISTRICT MUNSIF, KATPADI.**

Wednesday, this the 20th Day of March – 2024

**I.A.No. 01 of 2023
In
O.S.No. 49 of 2015
(CNR.No.TNVL23-000150-2015)**

Subramani

.....Petitioner/Plaintiff

-Vs-

1. Subramaniam
2. D.Lakshmanan

...Respondents/Defendants

This petition is coming before me for final hearing today, in the presence of Thiru.M.Aravind, the Counsel for the Petitioner and 1st Respondent was already set exparte in main suit and 2nd Respondent failed to file counter and he was called absent and set exparte on 22.09.2023. Upon perusing the entire case records and having stood before this court for consideration till this date, this court delivers the following:

ORDER

This petition has been filed by the petitioner/plaintiff under Order 16 Rule 1 and Section 151 of Civil Procedure Code, to examine the witnesses namely Chokkalingam, Munisamy, The Sub Registrar, Katpadi, The VAO, Magimandalam Village as a witness.

Records perused. This petition has been filed by the plaintiff to examine the petition mentioned 4 witnesses as his side to prove the title and possession.

On receipt of notice, the respondents/defendants have failed to file counter and thereby, they were set exparte. Exparte enquiry heard. On perusal of records, the present petitioner herein is the plaintiff in the suit and filed the above suit for declaration of sale deed dated 18.12.2014 bearing Doc.No.10811/2014 as null and void and for permanent injunction against the 2nd defendant for not to create any encumbrances over the suit property and for costs. In this suit, D1 was set exparte on 17.12.2015 and D2 alone filed written statement and conducting the case. The issues were framed on 2.4.2018 and during trial, the plaintiff has examined himself as PW1 by way of proof affidavit and marked Ex.A-1 to EX.A5 and he was duly cross examined by D2 side on 26.04.2023, and then this suit stands posted for further PW's. At that juncture, the petitioner/plaintiff has come forward and filed the present petition to examine the petition mentioned 4 witnesses. Since in this case identity of plaintiff and 1st defendant names are similar which caused to some issue between them and the plaintiff filed the suit on this aspect and prayed to declare Sale deed as null and void, this court is inclined allow this petition. No costs.

Pronounced by me in the open court, this the 20th day of March
2024.

(Sd/-)..K.Venkatesan
DISTRICT MUNSIF
KATPADI