

IN THE COURT OF ADDITIONAL MUNSIFF-II,
THIRUVANANTHAPURAM

Present: Smt. Sincy Jacob, Additional Munsiff-II
On Friday 22nd day of December 2023/1st Pousha, 1945

ORDER in WITNESS SCHEDULE in OS.No.1604/2012

Plaintiffs:-

1. Devarajan, aged 58 years,
S/o. Late Stephen Nadar,
5/583, Sasthamkonathu Veedu,
Cheruvakkal, Sreekariyam P.O.,
Thiruvananthapuram – 695 017.
2. Santha Kumari, aged 57 years,
D/o. Cicily, 5/583, Sasthamkonathu Veedu,
Cheruvakkal, Sreekariyam PO.,
Thiruvananthapuram – 695 017.
3. Lalitha, aged 55 years,
D/o. Cicily, 5/583,
Sasthamkonathu Veedu,
Cheruvakkal, Sreekariyam P.O.,
Thiruvananthapuram – 695 017.
4. Leela, aged 53 years,
D/o. Cicily, 5/583,
Sasthamkonathu Veedu,
Cheruvakkal, Sreekariyam P.O.,
Thiruvananthapuram – 695 017.

By Advs. Sri.S. James Vincent and
Sri.S.J. Bhojraj (P1)

By Adv.Sri. M.R. Anandakuttan and
Sri.S. Rajeev (P2 to P4)

Defendants:-

1. The State of Kerala, represented by the Principal Secretary to Government, Revenue Department, Secretariat, Thiruvananthapuram – 695 001.
2. The Travancore Devaswom Board, Nanthancode, Thiruvananthapuram – 695 003, represented by its Secretary.
3. The District Collector, Thiruvananthapuram, Civil Station, Kudappanakunnu, Thiruvananthapuram – 695 043.
4. The Revenue Divisional Officer, Thiruvananthapuram, Civil Station, Kudappanakunnu, Thiruvananthapuram – 695 043.
5. The Additional Tahsildar, Thiruvananthapuram, Taluk Office, West Fort, Thiruvananthapuram – 695 023.
6. The Special Tahsildar, Travancore Devaswom Board, Nanthancode, Thiruvananthapuram – 695 003.
7. The Superintendent of Survey, Re-Survey Office, Kazhakuttom, Thiruvananthapuram – 695 582.

8. Thuruthipilli Sreedharmasastha Temple,
Sasthamkonam, Cheruvakkal,
Sreekariyam PO.,
Thiruvananthapuram – 695 017.
represented by the Ad Hoc Committee,
Thuruthipilli Sreedharmasastha Temple
by its member, Gopalakrishnan Nair,
Neyyasseri, Kattela, Sreekariyam,
Thiruvananthapuram – 695 017.
9. K. Ajithkumar, Krishna Nivas,
EMS Nagar, Sreekariyam P.O.,
Thiruvananthapuram – 695 017.
10. Madhavan Nair, Retd. Surveyor,
Govindam, Ooruttukala,
Neyyattinkara, Thiruvananthapuram
District – 695 121.

By Addl.Govt.Pleader

Adv. Sri. Hareesh Kumar K.L.

(D1, D3, D4, D5 and D7)

By Adv.Sri. K. Nagendran (D2 and D6)

This petition is coming on for hearing on 22-12-2023 and
the court on the same day passed the following.

ORDER

Heard the learned counsel for the Plainitff and defendant.
Plaintiff filed the witness schedule citing Tahsildar as witness.
Percontra the defendant submitted that the Tahsildar in charge

of the documents sought are Tahsildar (LR) and not Tahsildar. Further the Tahsildar (LR) is the Additional 5th defendant in this case. It is to be noted that a party can be cited as witness by the opposite party as provided U/o XVI Rule 21. Further the learned counsel for the plaintiff cited Order in (SLP) Civil Appeal No. 14445/2021 of Hon'ble Supreme Court of India and submitted that there is no difference between party to a suit as a witness and witness simplicitor.

However the pertinent question is to be looked is whether the Tahsildar is the competent person to be summoned. The respondent relied on Ext.B1 to state that Additional Tahsildar is now re-designated as Tahsildar (LR) and thus issuing summons to 'Tahsildar' will not suffice the interest of justice.

I am of the view, that in cases where examination of a party by other party is necessary, such a party can be called as witness. In the instant case, in the witness schedule. 'The witness is cited as Tahsildar' he is not Tahsildar (LR) concerned with the documents. Thus the witness schedule filed is not

sufficient. Therefore the present witness shedule is liable to be rejected as the designation of the witness not properly mentioned.

Thus witness schedule is rejected

Pronounced in the open court on this the 22nd day of December 2023.

Salini.B
Additional Munsiff (RCC)
In charge of Additional Munsiff-II
For Sincy Jacob,
Additional Munsiff-II

APPENDIX

Exhibits marked for the Plaintiffs:-Nil

Exhibits marked for the Defendants:-

B1 18..09..2012 Lawyer's Notice

Court Exhibits:- Nil

Witness examined for both sides : Nil

Additional Munsiff (RCC)
(In charge of Additional Munsiff-II)

Typed by:Shyni.S
Compared by:
FCS:

Fair Copy of Order in
Witness Schedule in
OS.No.1604/2012
Dated.22/12/2023