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**CRP No. 3767 of 2023
and
CMP. No. 23434 of 2023**

T.V.THAMILSELVI, J.

Challenging the impugned order dated 29.08.2023 passed by the Principal Subordinate Judge, Puducherry, in I.A No. 10 of 2023 in O.S No. 184 of 2000, the petitioners/Defendants 5 to 9 filed this petition.

2. The learned counsel for the petitionerr submitst that the suit in O.S No. 184 of 2000 was filed by the respondent/plaintiff for the relief of partition and other consequential relief and the said suit was dismissed. Against which, the respondent herein filed A.S No. 12 of 2017 and the same was allowed by setting aside the findings of the Trial Court and remanded the matter back to the Trial Court for fresh disposal. Thereafter, the one Babu was examined as witness on the side of the plaintiff but the Trial Court treated him as P.W.1 while the same witness was examined as P.W.2 during earlier Trial proceedings. Aggrieved over the same, the defendants raised his objection by filing I.A No. 10 of 2023 stating that the evidence of said Babu should have treated as P.W.2 with document marked on his side as Ex.A1 to A13 but his objection has not accepted by the Trial Court stated after remand said witness treated as P.W.1. Accordingly, application was dismissed. Aggrieved over the same, the revision petitioner filed this petition.



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3.Considering the submission of the learned counsel for the petitioner and also the facts of the case, it seems that the petitioners is having valid defence to defend the case. Hence, this Court is inclined to stay all further proceedings in O.S No. 184 of 2000, on the file of the Principal Subordinate Judge, Pondicherry, till 23.11.2023.

4. Issue notice to the respondent returnable by 23.11.2023. Private notice is also permitted. Post the matter on 23.11.2023.

20.10.2023

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