

A.No.1117 of 2021
in C.S.No.713 of 2019
and A.No.9883 of 2019
and O.A.No.1184 of 2019

R.PONGIAPPAN, J.,

The first plaintiff in C.S.No.713 of 2019 has filed this application under Order XIV Rule 8 of the Original Side Rules read with Order XVIII Rule 3-A of C.P.C., seeking the relief to permit the 1st plaintiff to adduce evidence as his own witness at a latter stage after examining the 2nd plaintiff and other witnesses, in the above said suit.

2. Heard both sides.

3. The learned counsel appearing for the respondents 1 to 3 / defendants 1 to 3 would submit that the respondents 1 to 3, are not having any objection in allowing this application.

4. In otherwise, on going through the averments set out in the affidavit, which is filed in support of this application, disclosed the fact that the 1st plaintiff, is aged about 89 years and also he is suffering from old age problems. According to him, Doctors are advised to stay in home and

thereby, he is not in a position to travel to the Court for giving evidence.

The learned counsel appearing for the applicants has also reiterated the said averments and prays to allow this application.

5. By considering the said submission made by the learned counsel appearing on either side with the relevant records, this is an application only to examine the 2nd plaintiff as P.W.1. Further, due to examination of the 2nd plaintiff as P.W.1, no prejudice would be caused to either side, more than that the respondents herein, are also not raised any objection in allowing this application.

6. Accordingly, in view of the above, this application is allowed, the second plaintiff is permitted to examine as P.W.1.

7. Post the matter before the learned Additional Master No.III on 07.04.2021 for recording evidence.

17.03.2021

sri

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R.PONGIAPPAN, J.

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