



A.No.1160 of 2024
in C.S.No.248 of 2016

P.B.BALAJI, J.,

This application has been taken out to direct the defendants 3 to 6 to let in their evidence before 1st defendant.

2.I have heard Mr.R.Krishnasamy, learned counsel for the applicant and Mr.R.Ganesh Kanna, learned counsel for the 1st respondent and Mr.K.Senthilkumar, learned counsel for the respondents 4 to 6 and Mr.K.Chandrasekaran, learned counsel the 3rd respondent.

3.The examination of the plaintiff is already concluded. The suit is for partition. The 1st defendant has claimed absolute right under the registered Deed of Settlement and thereby seeks dismissal of the suit for partition. However, the other defendants who filed written statement are virtually sailing with the plaintiff and seeking partition of the suit property, adverse to the claim of the 1st defendant. In such circumstances, it would be just and proper for the defendants who are supporting the cause of the plaintiff, namely decree for partition will have to lead evidence before the 1st defendant.

4.In view of the above, this application is allowed.



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5.Post the suit before the Additional Master II on 18.06.2024 for recording evidence of 3rd defendant followed by the evidence of defendants 4 to 6.

05.06.2024

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