



**A.No.176 of 2025**  
**in CS.No.109 of 2021**

**K.KUMARESH BABU, J.**

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When the application is taken up for hearing, the learned counsel for the applicant has made an endorsement for not pressing the application with regard to the list witnesses 2 to 4, pressing his claim only with regard to first list witness as that he is the defendant in the suit and he had also filed written statement substantiating his claims and he had been permitted to mark certain documents and his failure to examine him is in view of the fact that there is change in the counsel and the interregnum applications are taken up by the other defendants. Hence, he prayed this Court to permit the first defendant to be examined himself as witnesses on his side.

2. Countering the arguments, the learned counsel for the respondent/plaintiff would submit that the present application had been filed only to protract the proceedings. He would further submit that in spite of time granted, he has failed to adduce any evidence. Therefore, he would seek dismissal of the application filed by the first defendant/applicant.

3. Heard the rival submission made on both sides and perused the materials available on record.



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4. Even though an application has been taken out to examine four witnesses, the learned counsel for the applicant/first defendant had given up the claim in respect of list of witnesses 2 to 4. As regards to first list witnesses, it is to be seen that the first defendant wants to examine himself to substantiate his claim.

5. In such view of the matter, I am inclined to allow this application only in respect of the first list witnesses viz., first defendant/applicant herein, to be examined as witness on the side of the defendants.

6. The first defendant shall file proof affidavit and examine himself in chief on 26.02.2025 and thereafter make himself available for cross examination on 04.03.2025. It is made clear that if the applicant/first defendant failed to adduce evidence on the aforesaid days, no further time will be granted for him to let in any evidence.

7. On the aforesaid terms, the matter is relegated to Additional Master No.IV.

8. Post on 07.03.2025, before this Court.



***12.02.2025***

**K.KUMARESH BABU, J.,**

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