

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

Present : Tmt.M.Santhosham., B.Sc., B.L.,

District Munsif, Sulur

Thiruvalluvar year 2056 Visvvasu year, 9th day of Panguni

Monday the 23rd day of March 2026

I.A.No.16/2026

in

O.S.No.338/2017

M. Ramachandran

... Petitioner/Defendant

/VS/

1. P. Rukumani

2. G. Chitra

... Respondents/Plaintiffs

This petition is coming on this day for final hearing before me in the presence of Mr.A.Malavan, Advocate for the Petitioner and Ms.P.K.Praburaam, Advocate for the Respondents and upon perusing the records, and this court made the following:

ORDER

This petition filed by the petitioner under order 18 Rule 17 r/q section 151 of CPC to reopen the plaintiff's side evidence and recall PW.2 for the limited purpose of producing and marking his passport.

1. The brief averments of the affidavit filed by the petitioner as follows:

1.1. The respondent/plaintiff has filed the main suit for Mandatory injunction and other relief. The petitioner/defendant filed his written statement denying the allegations and contesting the claim of the plaintiff. PW.2 was examined on the side of the plaintiff and was cross – examined by petitioner/defendant on 09.02.2026 before this court. During the course of cross – examination, PW.2

admitted that he is in possession of his passport covering the period from the year 2012 to 2026, and further stated that the same is available and can be produced before this court. On the very same day, i.e., 09.02.2026, the plaintiff's side evidence was closed before the said passport could be produced and marked through PW.2.

1.2. The said passport is a vital and material document. The entries therein would clearly establish the movements and presence of PW.2 during the relevant period and would have a direct bearing on the issues involved in the suit as well as on the credibility of his testimony. The production and marking of the said document is essential for the just and proper adjudication of the case and for enabling this court to arrive at the truth. This application is filed bonafide and in the interest of justice. No prejudice will be caused to the plaintiff if the plaintiff's evidence is reopened for the limited purpose of recalling PW.2 and marking the passport. On the other hand, petitioner/defendant will be seriously prejudiced if such opportunity is denied. Hence, the petition is to be allowed.

2. The brief averments of Counter statement filed by the Respondent as follows:

2.1. This petition is false, frivolous and not maintainable both on facts and law. This respondent demise the entire allegation made in the petitioner affidavit except those that are specifically admitted herein and put the petitioner into the strict proof of each every one of the same. The petitioners come forward with the present application to reopen the complaint side evidence and to produce the passport copy of the PW.2. Already the petitioner counsel elaborately cross examined PW.1 and PW.2 and thereafter complaint side evidence was closed and posted for defense side witness. At this juncture without necessity, the petitioner filed this petition is not at all maintainable. Only with intention to drag on the case, the petitioners filed this present application. Hence, the petition is not at all maintainable both on law and on the facts. Hence, the petition is to be dismissed.

3. No Witnesses were examined on either side, and no documents were marked as exhibits.

4. Points for Consideration:-

Whether the petition under order 18 Rule 17 r/w section 151 of CPC to reopen the plaintiff's side evidence and recall PW.2 for the limited purpose of producing and marking his passport is to be allowed?

5. Points :-

5.1. The petition affidavit, counter and the enquiry of both parties were carefully considered. Both parties were heard. The case records were perused. The suit has been filed seeking for the relief of Permanent Injunction as well as Mandatory Injunction against the petitioner/ defendant. Now this suit is pending for defendant side evidence.

5.2. The original suit was filed in the year 2012 and was taken on file by this Court in the year 2017. The suit has been pending for more than 14 years. The Plaintiff's side evidence has been completed, and the case is pending for the defendant's side evidence. At this stage, the petitioner has filed two applications seeking to reopen the plaintiff side evidence and to recall P.W.2 for mark his passport through him. Since the suit has been filed seeking the reliefs of Permanent Injunction and Mandatory Injunction, the dispute relating to the suit property has to be proved only through documents pertaining to the suit property.

5.3. In such circumstances, the relief sought by the petitioner/defendant to reopen plaintiff side evidence for recall P.W.2 and to mark his passport through him is not acceptable. Further, considering that the suit has been pending for more than 14 years, the present application appears to have been filed only to cause delay. Hence, in the interest of justice, the said petition is dismissed.

In the result, this petition is dismissed. No cost.

Dictated to the Steno-typist and directly typed by her in computer, corrected and pronounced by me in open court this the 23rd day of March 2026.

Sd/M.Santhosham
**District Munsif,
Sulur.**

List of witnesses and documents on Petitioner side:- - Nil

List of witnesses and documents on Respondent side:- - Nil

Sd/M.Santhosham
**District Munsif,
Sulur.**

Draft/ Fair Order
I.A.No.16/2026 in
O.S.No.338/2017
Dated:23.03.2026
DMC, Sulur