

**IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, CUDDALORE**

**Present: Selvi.B.Phebe, B.A.,LLB.,**

Additional District Munsif, Cuddalore

Thursday, the 09<sup>th</sup> day of October – 2025

**I.A.No.276/2025 and I.A.No.277/2025**

**in O.S.No.148/2011**

Arulmighu Saravana Pillaiyar and

Muthumariyamman Thirukkoil,

S.N.Chavadi, rep. by its Fit person.

.....Petitioner/1st Defendant

-Vs-

Maheswari

.....Respondent/Plaintiff

**Counsels on Record:**

For Petitioner : Mr.K.Muthukumar

For Respondent : Mr.S.Ram Mohan

This petition came before this Court on 08.10.2025 in the presence of both counsels and upon perusal of records and having stood over for consideration till this day, this court delivers the following;

**ORDER**

I.A.No.276/2025 is taken out by Petitioner under Order 18 Rule 17 of CPC to recall the DW1 for the purpose of further examination to mark documents.

I.A.No.277/2025 is taken out by Petitioner under Order 8 Rule 1-A (3) of CPC to condone the delay in filing the document and receive the document.

**2. Gist of both the Affidavits filed by the Petitioner in both I.A.No.276/2025,**

**I.A.No.277/2025:-**

On the defendant side the petitioner was examined as DW1 and pending for further defendant's side evidence. Some important document was omitted to be filed and the same was obtained recently from Hon'ble High Court of Madras. The document has to be marked by recalling the petitioner. For the purpose of marking the document he have to be recalled and the document has to be received on the side of defendant. If the delay in filing the document is not condoned, the interest of the petitioner temple will be put to great loss and hardship.

**3. Gist of adopted counter which is filed in both I.A.No.276/2025,**

**I.A.No.277/2025:**

The respondent denies all averments and allegations in the petition. There is no iota of truth in the statement that the previous documents have been traced only now and he wants to take another chance of cross examination. Which is a patent lie. The petition to recall DW1 is more vexatious in nature and liable to be dismissed limni.

**4. *The point for consideration is whether the petition filed by the petitioner is to be allowed or not?***

5. No witnesses were examined nor any documents were marked on either side.

**6. Points:**

**(i) Heard both sides and perused the records.**

**(ii) On perusal of record, this court finds that the suit is at the stage of**

further DWs. However, the petitioner has submitted that he has to file certain documents by reopening and recalling DW1. This court is of the view that these petitions have to be allowed in the interest of justice and to have a fair trial at either ends. It is well settled principle of law that procedural law being a handmaid of justice has to be used in such a way as not to create a hinderance to the justice delivery system but should be used to reach just outcome. However, this court is also wary of hassle to the respondent/defendants in allowing these petitions at the stage of arguments, hence in the interest of justice these petitions are allowed with a condition to pay Rs.150/- to the respondent/defendants for each petition, in aggregate Rs.300/- on or before 13.10.2025.

**In result, both I.A.No.276/2025 and I.A.No.277/2025 are allowed on condition, to pay Rs.300/- in aggregate to the respondent/defendant on or before 13.10.2025 failing which the order stands cancelled. For compliance call on 15.10.2025.**

Dictated to Steno Typist, typed and printed out by her and corrected and pronounced by me in open court, on this day, the 09<sup>th</sup> of day of October 2025.

Additional District Munsif,  
Cuddalore.

**List of Witnesses and Documents on both sides:- -NiL-**

Additional District Munsif,  
Cuddalore.

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**ADM Court, Cuddalore.**  
**Fair Order**  
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