

**IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE
AT CHENGALPATTU**

**Present: Thiru.A.Saravanakumar.,B.A.B.L.,
Additional District Judge,
Chengalpattu.**

Monday day, the 18 day of August 2025

I.A.No.3/2025 and I.A.No.4/2025

in

O.S.No.260/2014

CNR.No:TNCG01-000614-2014

I.A.No.3/2025

Mr.S.Antony Michael

...Petitioner/Plaintiff

-Vs.-

Mr.Raji Chacko and others

..Respondent/Defendants

I.A.No.4/2025

Mr.S.Antony Michael

...Petitioner/Plaintiff

-Vs.-

Mr.Raji Chacko and others

..Respondent/Defendants

This Petition coming before this court on 18.8.2025 for final hearing in the presence of Sri.R.Sugumar, counsel for the Petitioner/Plaintiff and Mr.Thilagaraj, counsel for the Respondents 1 and 2 and G.Balasubramanian, Counsel for Respondent.6 and Respondent 3 to 5 remained ex parte and upon hearing the arguments of both sides and perusing the material records and having stood over for consideration till this day, this Court delivered the following:-

COMMON ORDER

IA.No.3/2025 is filed under Under Order 18 Rule 17 of CPC to recall PW1 for further examination for marking the documents now filed and IA.No.4/2025 is filed under Order 7 Rule14(3) CPC to file additional

documentary evidence mentioned hereunder and grant such other suitable relief.

- 1.The petition and the counter perused
- 2.The both sides heard.
- 3.The point for consideration:-Upon considering the petition the following points for consideration is framed.

“Whether the petition is to be allowed as prayed for”?

5.Answer to the point:

The petition is filed under Order7 Rule14 of CPC to receive certain additional documents and also under Order18 Rule17 of CPC to recall PW1. The petitioner submits that the documents filed along with the petition namely the Judgment in C.C.No.2917/2024 and in CrI.M.P.No.77122/2024 are very vital document to prove the petitioner’s case. Therefore, in order to mark the said documents, PW1 may be recalled and above document may be received. The respondent has filed a detailed counter. It is his submission that the said documents are not at all necessary to prove the petitioner’s case. It is further stated that the petition is filed with an intention to delay the proceedings. He further submitted that the documents related to criminal case are not at all having any nexus in this case and therefore the petition may be dismissed.

6. Considering the rival submissions, it is noticed that the case is posted for petitioner’s further evidence. At this stage, the present

application is filed to recall PW1 and to mark certain documents related to criminal procedure on the permission that the said documents are necessary to prove the contention of the petitioner. The fundamental principle of fair trial is that the opportunity must be given to the parties to represent their case before the court. Therefore, since the petitioner's feels that the above documents are necessary to prove his case, an opportunity may be given to the petitioner's to recall PW1 and mark said documents. If this petition is allowed no serious prejudice would cause to the respondent, since he has got every opportunity to disprove the said documents. However, this court is fully aware of the fact that by filing the petition, the petitioner caused some delay to the respondent. In civic law every delay can be compensated by way of cost. Therefore, this court is inclined to allow this application with some reasonable cost.

I.A.No.3/2025

In the result, the petition is allowed on payment of cost of Rs.1000/- to be paid directly to the respondent on or before 22.8.2025. Otherwise, the petition shall be dismissed. Call on 25.8.2025. On that day itself, the petitioner must produce PW1.

I.A.No.4/2025

In the result, the petition is allowed on payment of cost of Rs.1000/- to be paid directly to the respondent on or before 22.8.2025. Otherwise, the petition shall be dismissed. Call on 25.8.2025. On that day itself, the petitioner must produce PW1.

Additional District & Sessions Judge
Chengalpattu.

Both sides Exhibits and Witnesses: Nil

Additional District & Sessions Judge
Chengalpattu.

Draft/Fair Order
Common Order
I.A.No.3/2025 and I.A.No.4/2025
in
O.S.No.260/2014
Dated:18.08.2025
ADJ/CPT
