

**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.234/2019

CNR.No:TNCG01-003839-2019

I.A.No.3/2025

A.Suresh Kumar

...Petitioner/Defendant

-Vs.-

P.Ananthakrishnan

..Respondent/Plaintiff

I.A.No.4/2025

A.Suresh Kumar

...Petitioner/Defendant

-Vs.-

P.Ananthakrishnan

..Respondent/Plaintiff

This Petition coming before this court on 1.8.2025 for final hearing in the presence of Ms.Suganya, counsel for the Petitioner/Defendant and R.Sugumar, counsel for the Respondent/Plaintiff 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 and section 151 of CPC to recall PW1 for the purpose of further cross examination and IA.No.4/2025 is filed under section 151 of CPC to reopen the evidence of the plaintiff for the purpose of cross examination of PW1.

- 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 petitioner is the defendant in the original suit. The respondent is the plaintiff therein. IA.No.4/2025 is filed to reopen the evidence of plaintiff for the purpose of cross examination of PW1. IA.No.3/2025 is filed to recall PW1.

6. The petitioner contends that the original suit was filed by respondent/plaintiff for the recovery of money. The trial has commenced after the settlement of issues. On the side of plaintiff PW1 was examined. On the side of defendant DW1, DW2 were examined. The case is posted for defendant’s further evidence. At this stage the petitioner/defendant has come forward with this application to reopen the plaintiff’s case and recall PW1 for the purpose of cross examination. Per contra, the respondent has filed a detailed counter and he submitted that the present petition was filed to delay the proceedings and also to fill up lacuna in the cross examination of the defendant. Therefore, the respondent submits that the petition may be dismissed.

7. This court has considered the submissions of respective sides. A perusal of the petitioner’s supportive affidavit would go to show that the

suit amount was transferred by the respondent which is the part and parcel of his business purpose with Chandra Bose who has been examined as DW1. Through DW1 certain documents have also been produced. While so, in order to elucidate the said evidence from the plaintiff PW1 as well, he need to be examined. Considering the above specific averments that some further questions are to be put in the light of the evidence of PW2 this court is of the view that an opportunity may be given to the petitioners to reopen and recall the evidence of PW1. However, by filing this application the petitioner has caused some delay to the respondent. Therefore, this court is of the view that the petition may be allowed with some cost.

I.A.No.3/2025

In the result, the petition is allowed. The payment of cost of Rs.500/- to be paid directly to the respondent on or before 25.8.2025. Otherwise, the petition shall be dismissed. Call on 26.8.2025.

I.A.No.4/2025

In the result, the petition is allowed. The payment of cost of Rs.500/- to be paid directly to the respondent on or before 25.8.2025. Otherwise, the petition shall be dismissed. Call on 26.8.2025

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.234/2019
Dated:18.08.2025
ADJ/CPT
