

**IN THE COURT OF PRINCIPAL DISTRICT JUDGE,
CHENGALPATTU DISTRICT.**

Present : **Thiru.T.Chandrasekaran, M.L.,**
Principal District Judge,
Chengalpattu.

Thursday the 6th day of November, 2025

I.A.No.2/2025
and
I.A.No.3/2025
in
O.S.No.345/2019

I.A.No.2/2025 :

Greo @ Gregori . . . Petitioner / Defendant.

/Vs/

R.Sudha . . . Respondent / Plaintiff.

I.A.No.3/2025 :

Greo @ Gregori . . . Petitioner / Defendant.

/Vs/

R.Sudha . . . Respondent / Plaintiff.

These two petitions came up before me for final hearing on 12.9.2025 in the presence of Tvl.K.Chandran and C.Seethalakshmi, Advocate for the petitioner and Thiru.B.Ramnath, Advocate for the respondent, upon hearing the arguments of both side counsel, perusing the entire records and having stood over for consideration till this day, this court delivers the following,

COMMON ORDER

The petition in I.A.No.2/2025 is filed by the petitioner / defendant under Section 151 of CPC to reopen the evidence of DW1 and the petition in I.A.No.3/2025 under Order 18 Rule 17 of CPC is filed to recall DW1 for the purpose of marking of documents listed out in the proof affidavit of DW1.

2. The common averments set out in I.A.No.2/2025 and 3/2025 briefly read as follows :

The petitioner is the defendant in the suit and he filed his proof affidavit on 27.7.2024 and the matter was periodically posted for marking of documents. The petitioner, to disprove the false case of the respondent, was searching the originals and in the said process there occurs delay and on 17.3.2025 when the case was posted for marking of documents the petitioner was ready with available original documents but his counsel was pre-engaged at High Court, Madras, and hence, he could not travel to Chengalpattu, and therefore citing the same as reason this court closed the evidence of DW1. Now the counsel for petitioner / defendant is ready to file an affidavit to that effect. Hence the petitions to recall DW1 and reopen the case for marking of documents in the evidence of DW1.

3. The averments set out in common counter in I.A.No.2/2025 and 3/2025 briefly read as follows :

The adjudication of the case notes paper will show in crystal clear manner that how the petitioner / defendant suppressed the real facts and adjudication of the case. On 27.9.2024, I.A.No.1/2024 was filed to receive documents and the original documents were received subject to proof and relevancy. DW1 was examined by proof affidavit and for marking of documents the case was posted for 18.10.2024 and thereafter posted periodically for the said reason and finally on 17.3.2025 due to non appearance of DW1 for marking of documents, this court closed the evidence of defendant. There are no merits in the petitions. Hence, prayed for dismissal of petitions.

4. The points for consideration are :

1) Whether the evidence of DW1 side has to be reopened as prayed for?

2) Whether the DW1 has to be recalled for the purpose of marking of documents on his side as prayed for?

5. On point :

Heard both sides. Perused the records. It is seen from the notes paper after the documents filed by the petitioner / defendant were received subject to proof and relevancy, he examined himself as DW1 on 27.9.2024 by proof affidavit and not chosen to mark the documents even after several adjournments. Hence, this court closed the evidence of DW1 on 17.3.2025. Immediately on the next hearing on 2.4.2025, the petitioner / defendant

came forward with the present petitions to reopen DW1 side evidence and recall DW1 for marking of documents.

6. The reason stated by the petitioner / defendant that his counsel was pre-engaged in Hon'ble High Court on that day is not acceptable. However, the petitioner / defendant has to be given an opportunity to mark the documents on his side to prove his stand taken in the suit. The respondent / plaintiff filed common counter, and raised vehement objections. Hence, in the interest of justice, the evidence of DW1 side has to be reopened and the DW1 has to be recalled for the purpose of marking the documents in his evidence, subject to appropriate cost to be imposed upon him.

7. **In the result, the petitions in I.A.No.2/2025 and 3/2025 will be allowed on payment of cost of Rs.1,000/- in total, to the other side on or before 20.11.2025 failing which the petitions shall stand dismissed. Call on 21.11.2025.**

Typed to my dictation, corrected and pronounced by me in open court, on this the 6th day of November, 2025.

Principal District Judge,
Chengalpattu.

Both side witness and exhibit :
Nil.

Principal District Judge,
Chengalpattu.