

**IN THE COURT OF THE DISTRICT MUNSIF AT MADURANTAKAM**

**PRESENT:** Tmt. V.Devapriya, B.Sc.,M.L.,  
District Munsif, Madurantakam

Wednesday, the 24<sup>th</sup> day of January, 2024

I.A.No.7/2023, I.A.No.8/2023, I.A.9/2023  
and I.A. No.10/2023

in

O.S.No. 38/2021

1. Elumalai

2. Siva

...Petitioners/Defendants

**-vs-**

T. Rajan Iyyer

represented by his

Power Agent M. K. Ramesh

...Respondent/Plaintiff

This petition coming up before me on 09.01.2024 for final hearing in the presence of, Thiruvallargal. S. Premkumar, Arunamunusamy, V. Ramalingam, P. Vasudevan, Counsels for Petitioners/Defendants and Thiru. S. Subramanian Counsel for Respondent/Plaintiff and after hearing the arguments on both sides and upon perusing the materials placed on record, and having stood over for consideration till this day, this court delivers the following,

**COMMON ORDER**

**I.A.No.07/2023**

This petition has been filed by the Petitioners/Defendants under section 151 of Code of Civil Procedure, to re-open the Plaintiff side evidence, for cross examination of PW2, Govindaraj.

**I.A.No.08/2023**

This petition has been filed by the Petitioners/Defendants under section 151 of Code of Civil Procedure, to re-open the Plaintiff side evidence, for cross examination of PW1, M.K. Ramesh.

**I.A.No.09/2023**

This petition has been filed by the Petitioners/Defendants under Order XVIII Rule 17 and section 151 of Code of Civil Procedure, to re-call the PW1 for cross examination.

**I.A.No.10/2023**

This petition has been filed by the Petitioners/Defendants under Order XVIII Rule 17 and section 151 of Code of Civil Procedure, to re-call the PW2 for cross examination.

**2.The averments stated in the petition in brief**

The Respondent/Plaintiff had filed the above suit for permanent injunction and the case is posted for Defendants side evidence. The Plaintiff examined PW1, Ramesh and PW2, Govindaraj. But PW1 and PW2 were not cross examined by the Petitioners/Defendants, due to proper information regarding proceedings of the case. Hence these petitions.

**3. The averments stated in the objections filed by the Respondent/Plaintiff, in brief:**

These petitions are not maintainable in law and on facts. The PW1 was examined and documents were marked on 25.11.2022. Even after giving sufficient time, PW1 was not cross examined and hence the evidence of PW1 closed on 06.01.2023 and the case was posted for further evidence. Thereafter, PW2 was examined and he was also not cross examined. Therefore the case was posted for Defendants side evidence on 18.04.2023. After obtaining adjournment on various dates, the Petitioners/Defendants had filed these petitions to drag on the proceedings. There is no merits in these petitions. Hence these petitions are liable to be dismissed with costs.

4. The point for determination is whether this petition is to be allowed or not?

5. No Exhibits marked and no witnesses were examined on both sides

6. Heard both sides and perused the records.

7. The Petitioners/Defendants had filed these petitions to reopen Plaintiff side evidence and to recall PW1 and PW2 for cross examination. The Respondent/Plaintiff resisted the petitions stating that these petitions are filed to drag on the proceeding. The Petitioners/Defendants had stated that since they could not give proper instruction to counsel, the PW1 and PW2 were not cross examined. The Respondent/Plaintiff had not stated any fact with regard to the prejudice being caused to him. Hence in the interest of justice and in order to avoid multiplicity of proceedings and for complete adjudication, this court is inclined to allow these petitions on costs and conditions.

**8. I.A.No.07/2023 and I.A.No.08/2023**

**In the result, these petitions are allowed, on cost of Rs.500/- to be paid by the Petitioners/Defendants to the Respondent/Plaintiff on or before 31.01.2024, failing which, these petitions will be automatically dismissed. Call on 31.01.2024.**

**9. I.A.No.09/2023**

**In the result, this petition is allowed, on cost of Rs. 500/- to be paid by**

**the Petitioners/Defendants to PW1 on or before 31.01.2024 and on condition that the Petitioners/Defendants shall cross examine PW1 on the same day he appears for cross examination. Call on 31.01.2024.**

**10. I.A.No.10/2023**

**In the result, this petition is allowed, on cost of Rs. 500/- to be paid by the Petitioners/Defendants to PW2 on or before 31.01.2024 and on condition that the Petitioners/Defendants shall cross examine PW2 on the same day he appears for cross examination. Call on 31.01.2024.**

Dictated to the Stenographer, transcribed by him and typed by him and corrected and pronounced by me in open court on this the 24<sup>th</sup> day of January, 2024.

District Munsif  
Madurantakam

**Petitioner side witnesses and documents:**

**Nil**

**Respondent side witnesses and documents:**

**Nil**

District Munsif  
Madurantakam