

IN THE III ADDITIONAL CITY CIVIL COURT, CHENNAI

**Present: Tmt. K.Geetha Rani, M.A, M.L.,
III Additional Judge,**

Tuesday, the 2nd day of December 2025

**I.A.No. 2 of 2025
and
I.A.No.3 of 2025
in
Original Suit No.3069/2014**

M. Ranjith Kumar, S/o. Mookan, No.1 (Old No.51) Kambar St, Thiruvalluvar Nagar,
Chimmaya Nagar, Koyambedu, Chennai-600 093.

...Petitioner/Defendant

Vs.

Mr. B. Ravikumar, S/o. A.E. Balasubramani, residing at No.100/28, Avvai Nagar,
Thiruvanmiyur, Chennai-600 041.

...Respondent/Plaintiff

These petitions came up on 25.09.2025 for final hearing before this Court in the presence of M/s. R. Asokan counsel for the Petitioner/Defendant in two I.As and of M/s. M. Ramesh & N. Karunakaran, counsel for Respondent/ Plaintiff in two I.As, and on perusal of affidavit, petition and common counter filed by the respondents and plaintiffs upon hearing the arguments on both sides and having stood over for consideration till this day, this Court delivered the following:

COMMON ORDER**I.A.No.2 of 2025:**

This petition have been filed Under Section 151 of CPC to order for Re-open the plaintiff side evidence closed on 01.10.2021 in O.S.No.3069 of 2014.

I.A.No.3 of 2025:

This petition have been filed Under Order XVIII Rule 17 of C.P.C. to recall the PW1 for Cross examination in the above suit in O.S.No.3069 of 2014.

2. The averments in the affidavit in support of the petitions in two I.As in short as follows:

The petitioner stated that he is the defendant in the above suit and as such he is well acquainted with the facts and circumstances of the case. The Respondent/Plaintiff has filed the suit for recovery of money under Order XXXVII Rule 2 of C.P.C. as under chapter suit. He state that the Respondent/Plaintiff has filed a petition in I.A.No.1 of 2021 under order XIII Rule 3 of C.P.C, on 1st week of August 2021 the Respondent/Plaintiff has filed a petition in I.A.No.1 of 2021 to (Eschew) the documents viz., payment receipt dated 29.12.2013 which is marked as Exhibit-B2 and subsequently this Hon'ble Court was pleased to allow the petition in I.A.No.1 of 2021 and Eschew the Exhibit-B2. Thereafter I have filed Civil Revision Petition in C.R.P.No.436 of 2022 to set aside the order passed in I.A.No.1 of 2021, dated 16.09.2021. After hearing the matter the Hon'ble High

court of Madras was pleased to allow the Civil Revision Petition in C.R.P.No.436 of 2022 on 15.07.2024. He submit that during the course of Cross Examination of PW-1, my counsel has omitted certain vital aspects for Cross Examination of PW-1 and as such he have filed present petitions to reopen the plaintiff side Evidence and recall the PW-1 for further Cross Examination on certain aspects. He further submit that he was not able to file present petitions at earlier point of time. Since the Civil Revision Petition in C.R.P.No.436 of 2022 was pending on the file of Hon'ble High Court and the above C.R.P. was pleased to dispose off on 15.07.2024. Unless that this Hon'ble Court is pleased to order for Plaintiff side Evidence and order for recall the PW-1 for further cross Examination in the above suit. He will be put to serious loss irreparable hardship and on the other hand no prejudice would be caused to the Respondent/Plaintiff and in the interest of justice this Hon'ble Court may pleased to order for re-open the Plaintiff side Evidence and order for recall the PW-1 for further Cross Examination. Hence the petition.

3. The counter filed by the respondent in two I.As in short as follows:

The respondent stated that he is the plaintiff in the above O.S.No.3069 of 2014 and he is well acquainted with the facts of the case setout hereunder. He have read the affidavit filed by the Petitioner/Respondent in support of Interlocutory Applications before this Hon'ble Court "to reopen and recall prayer as sought for is obviously not maintainable either in law or on facts , and hence the same are liable to be dismissed

in limine. He deny all the allegations contained in the affidavit filed in the above I.A., except those that are specifically admitted herein and put the petitioner herein to strict proof of the same. He state that there is no valid defence on the Petitioner/Defendant in the above suit, and hence there is no need to re-open or re-call P.W.1 for further cross examination in the above suit. He state that the Petitioner/Plaintiff is guilty of deliberate non-appearance not once or twice but continuously for several times right from the first hearing to till date and the failure on the part of the counsel for the petitioner/defendant to omit the vital points during the cross examination of P.W.1. as alleged by the Petitioner/Defendant is nothing but falsehood, it makes it crystal clear that the petitioner/defendant has been in the habit of frequently filing one petition after another in the above suit by adopting delaying tactics for want of prolonging and dragging on the proceedings unnecessarily with a view to defeat my lawful right to yield the fruitful result in my favour on merits in the above suit.

He state that the issue relating to eschew the Exhibit B2 and allowing the Revision in C.R.P.No.436 of 2022 has no relevancy relating to the cross examination of P.W.1. He state that the petitioner herein cannot allow to state that this counsel has omitted certain vital aspects during the cross examination of P.W.1. Such Statement is as bare as it can be and the petitioner should not be permitted to make such statements. The evidence of P.W.1 was deliberately delayed and several hearings running not only month wise but year wise. The obvious intention of the petitioner is

only to prolong the litigation for endless period and the above application has been filed after the plaintiff has completed his arguments and the suit stood part-heard for defendant's arguments. And the relevant questions have been repeated multiple times in multiple forms and it is unfortunate that the petitioner herein has been bringing a new counsel for representation/evidence/cross for every hearing and the above petitioner seems to be the next in line by probably a new face. There is no tangible reasons given for either re-opening or recalling P.W.1 for further cross examination and the petitions have to be dismissed with exemplary Costs.

He deny the rest of allegations contained in the affidavit as false and the above petition is not maintainable either in law or on facts and hence it is liable to be dismissed in limine.

4. Point for consideration:

1. Whether the petitions has to be allowed or not?

5. No oral and documentary evidence adduced on both sides.

6. Points No.1:

This petition has been filed Under Order XVIII Rule 17 and section 151 of CPC to re-open and recall the evidence of PW1, the petitioner has stated he is the defendant in the suit. The suit has filed the suit for recovery of money Under Order XXXVII Rule1 and 2 and thereafter leave was granted the suit is changed as ordinary suit in I.A.No. 1 of 2021 Under Order XIII Rule 3 CPC petition filed to issue the

document namely payment receipt dated 29.12.2013 that is marked as Ex.B2 and the same was allowed thereafter against the said order CRP has been filed in 436 of 2022 to set aside the order passed in I.A.No.1 of 2021 after hearing the matter the Hon'ble High court of Madras has please to allow the Civil Revision petition during the cross examination of PW1 my counsel has ommitted certain vital aspects of the passed as such I have filed the present petition to re-open the plaintiff side evidence and to re-call the PW1 for further cross examination of certain aspects. I further submit I am not able to file the present petition at earlier point of time since civil revision petition in CRP 436 of 2022 is pending before the Hon'ble High court. The same was disposed on 15.07.2024. Hence this petition.

Whereas in the counter the respondent has denied each and every fact the petition to re-open and re-call prayer has sought for obviously not maintainable either in law or on facts hence it is liable to dismissed in limine and put the petitioner herein to put the strict proof of the same. There is valid defence on the petitioner/defendant in the above suit and there is no need to reopen and recall PW1 for further cross examination of the suit, issue relating to Ex.B2 and allowing the revision in CRP 436 of 2022 has no relevancy relating to the cross examination of PW1 and no reason has been stated by the petitioner to recall and reopen the PW1. Hence the petition to be dismissed.

Heard both side the respondent has stated that there is no reason has been

stated by the petitioner why he filed the petition to recall and reopen the PW1 and also certain vital aspects that he has been mentioned by him, the entire cross examination has been completed by the defendant what is the vital aspect that has not been left as not been explained however the CRP 436 of 2022 has been allowed with regard to issue of Ex-B2 this court also felt that mere allowing this petition will not prejudice the case of the defendant because already the suit filed under order XXXVII rule 1 and 2 itself has been changed and it has been pending and dragged to an extent of whenever any petition has been filed against the said petition CRP has been filed and till the CRP has been disposed. The suit will be kept silent without any further action and apart from that there was circular that if no stay is granted the main suit can be proceeded further but that has not been followed anywhere. However by not stating any reason for reopening and recalling the PW-1 if the petition is dismissed that will not be end definitely they file CRP they have come with an favourable orders. Hence in order to reduce the multiplicity of proceeding this petition is allowed. No Costs.

I.A.No.2 of 2025 :

In the result, the petition is allowed. No costs.

I.A.No.3 of 2025 :

In the result, the petition is allowed. No costs.

Directly dictated to the stenographer, transcribed and computerized by her, corrected and pronounced by me in the open Court, this the 2nd day of December 2025.

III Additional Judge,
City Civil Court, Chennai.

List of Witness and documents on both side : Nil

III Additional Judge,
City Civil Court, Chennai.

Draft / Fair : Common Order
I.A.No.2/2025
and
I.A.No.3/2025
in
O.S.No.3069 of 2014
Dated: 02-12-2025
III Additional City Civil Court,
Chennai.