

IN THE COURT OF THE SUBORDINATE JUDGE, ODDANCHATRAM

PRESENT : Thiru.C.Jayaprakash.,M.Com.,M.L.,

Subordinate Judge, Oddanchatram.

Thursday, the 07th day of August 2025

திருவள்ளூர் ஆண்டு 2056 விசுவாச வரடம் ஆடி மாதம் 22-ம் நாள்

I.A.No.02/2025

in

O.S.No.242/2023

Palaniyammal ... Petitioner / 1st Defendant

/ Vs/

01. Muthammal

02. Ganesan

03. Kondammal ... Respondents / Plaintiffs

04. Palanisamy .. Respondent / 2nd Defendant

This petition is coming on 28.10.2024 before me in the presence of Thiru.M.Marimuthu Counsel for the Petitioner / 1st Defendant and Thiru.R.Muruganantham counsel for R1 to R3 adn R4 called absent set exparte and upon perusing the case records, having stood over for consideration, this court delivers the following.

ORDER

Petition filed on behalf of the Petitioner / 1st Defendant Under Order 18 Rule 17 and 151 of CPC to order to to recall the case on the side of plaintiff for recall of P.W.1.

Petitioner side enquiry heard. Records perused. This petition has filed by petitioner / 1st Defendant to recall the case on the side of plaintiff for recall of P.W.1.

Notice of Hearing given. R1 to R3 side endorsed as petition may be allowed with heavy terms. R4 side exparte on 17.10.2024 in main suit proceedings. The main suit is filed by plaintiff for Declaration and Permanent Injunction and the same is pending for plaintiff side further evidence stage. It is settled that no one can left without heard and if

..2..

any order passed without giving opportunity to the other side, is against natural justice. The reasons found in the petition and affidavit is satisfied. This court of view that in order to give a chance to the Petitioner / 1st Defendant and in the interest of justice this petition is allowed with cost.

In fine,

The Petitioner / 1st Defendant directed to pay the cost of Rs.1000/- (Rupees One Thousand only) to the Respondents / Plaintiffs on or before 21.08.2025. On failure this petition shall stand dismissed automatically. Call on 22.08.2025.

This order pronounced by me in the open court, on this the 07th day of August 2025.

Subordinate Judge,

Oddanchatram.

Petitioner / 1st Defendant side witnesses : Nil

Petitioner / 1st Defendant side Documents : Nil

Respondents / Defendants side witnesses : Nil

Respondents / Defendants side Documents : Nil

Subordinate Judge,

Oddanchatram.

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I.A.No.02/2025

in

O.S.No.242/2023

Palaniyammal, Age 75/2025, W/o.Late.Ramasamygounder, Thasaripatti, Thasaripatti Post, Oddanchatram Town, Dindigul District. ... Petitioner / 1st Defendant

/ Vs/

01. Muthammal, Age 75/2025, W/o.Late.Karuppanagounder, Thasaripatti Post, Oddanchatram Town, Dindigul District.

02. Ganesan, Age 55/2025, S/o.Late.Karuppanagounder, Thasaripatti Village, Oddanchatram Town, Dindigul District.

03. Kondammal, Age 50/2025, W/o.Karuppusamy, D/o.Late.Karuppanagounder, Thasaripatti Village, Oddanchatram Town, Dindigul District.

... Respondents / Plaintiffs

04. Palanisamy, Age 45/2025, S/o.Late.Balakrishnan, Thasaripatti, Oddanchatram Town, Dindigul District and now South Thottam, Andiyagoundanoor Post, Udumalaipettai Town, Tirupur District. .. Respondent / 2nd Defendant

Petition filed on behalf of the Petitioner / 1st Defendant Under Order 18 Rule 17 and 151 of CPC to order to recall the case on the side of plaintiff for recall of P.W.1.

Date of Petition : 28.10.2024, 20.11.2024, 20.01.2025, 11.07.2025

Stamp on Petition : Rs.20/-

..2..

This petition is coming on 28.10.2024 before me in the presence of Thiru.M.Marimuthu Counsel for the Petitioner / 1st Defendant and Thiru.R.Muruganatham counsel for R1 to R3 and R4 called absent set exparte and upon perusing the case records, having stood over for consideration, this court delivers the following.

DECREETAL ORDER

The Petitioner / 1st Defendant directed to pay the cost of Rs.1000/- (Rupees One Thousand only) to the Respondents / Plaintiffs on or before 21.08.2025. On failure this petition shall stand dismissed automatically.

SCHEDULE OF PROPERTY

Nil

DETAIL OF COSTS

Cost List Details	Petitioner / 1 st Defendant Rs.	Respondents / Defendants Rs.
Stamp on Petition	Rs.20/-	
	Cost list not filed	

Given under my hand and seal of this court this the 07th day of August 2025.

Subordinate Judge,
Oddanchatram.

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I.A.No.01/2025

in

O.S.No.242/2023

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/ Vs/

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02. Ganesan

03. Kondammal ... Respondents / Plaintiffs

04. Palanisamy .. Respondent / 2nd Defendant

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ORDER

Petition filed on behalf of the Petitioner / 1st Defendant Under Section 151 of CPC to order to reopen the case on the side of plaintiff for recall of P.W.1.

Petitioner side enquiry heard. Records perused. This petition has filed by petitioner / 1st Defendant to reopen the case on the side of plaintiff for recall of P.W.1.

Notice of Hearing given. R1 to R3 side endorsed as petition may be allowed with heavy terms. R4 side exparte on 17.10.2024 in main suit proceedings. The main suit is filed by plaintiff for Declaration and Permanent Injunction and the same is pending for plaintiff side further evidence stage. It is settled that no one can left without heard and if

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any order passed without giving opportunity to the other side, is against natural justice. The reasons found in the petition and affidavit is satisfied. This court of view that in order to give a chance to the Petitioner / 1st Defendant and in the interest of justice this petition is allowed with cost.

In fine,

The Petitioner / 1st Defendant directed to pay the cost of Rs.1000/- (Rupees One Thousand only) to the Respondents / Plaintiffs on or before 21.08.2025. On failure this petition shall stand dismissed automatically. Call on 22.08.2025.

This order pronounced by me in the open court, on this the 07th day of August 2025.

Subordinate Judge,

Oddanchatram.

Petitioner / 1st Defendant side witnesses : Nil

Petitioner / 1st Defendant side Documents : Nil

Respondents / Defendants side witnesses : Nil

Respondents / Defendants side Documents : Nil

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... Respondents / Plaintiffs

04. Palanisamy, Age 45/2025, S/o.Late.Balakrishnan, Thasaripatti, Oddanchatram Town, Dindigul District and now South Thottam, Andiyagoundanoor Post, Udumalaipettai Town, Tirupur District. .. Respondent / 2nd Defendant

Petition filed on behalf of the Petitioner / 1st Defendant Under Section 151 of CPC to order to reopen the case on the side of plaintiff for recall of P.W.1.

Date of Petition : 28.10.2024, 20.11.2024, 20.01.2025, 11.07.2025

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SCHEDULE OF PROPERTY

Nil

DETAIL OF COSTS

Cost List Details	Petitioner / 1 st Defendant Rs.	Respondents / Defendants Rs.
Stamp on Petition	Rs.20/-	
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