

IN THE COURT OF SUBORDINATE JUDGE AT UTHANGARAI

Present: Thiru.P. Thirugnana Sambandam, B.A., B.L,

Subordinate Judge, Uthangarai.

Monday on 08th day of September 2025

IA.No. 08 of 2025

in

OS.No. 124 of 2018

1. P.C. Krishnan
2. Chennan
3. Bathumani
4. Mathupriya
5. Prabakaran

...Petitioners / 3 to 7 Defendants

/Vs/

Gowri

....Respondent / Plaintiff

This Petition came before me for hearing in the presence of M/s. K. Vadivel, Advocate for petitioners and M/s. B. Jagadeesan, Advocate for respondent upon hearing the both side and having stood over for consideration till this day, this court delivered the following.

ORDER

The petitioner / plaintiff filed this petition for Re-call of Order 18, rule 17 of 151 CPC.

1. Brief Averments in the petition as follows:

The Suit filed for partition and posted for arguments. At the time of D3 to D7 side evidence, the petitioner side could not be produced some of documents for proving that the cause of action are false and the plaintiff has not co-sharer. Further the evidence will be examined about the documents mentioned in the plaint Para 9, 10 and 11. It is necessary to recall the evidence on the side of D3 to D7 side. Hence this petition filed.

2. Brief avernments in the counter as follows:

The petitioners / defendants filed unnecessary petition section 151 C.P.C for seeking reopen. This petition has been filed without any valid points, so this petition is liable to dismissed by this Court. This Court has already given many chances from 2018 to 2025, but they have not used these chances to examine petitioners / defendants 3 to 7. This is not the plaintiff error. Plaintiff side arguments complied through the oral and written arguments. Copies also given to the petitioners / defendants. Deliberately and wantonly the petitioners / defendants are venturing into delaying tactics to deny justice to the respondent / petitioner. Further, the petitioner submit that this Court given many chances for petitioners / defendants 3 to 7 to engage in arguments, but they did not use all those chances, but wantonly with an ill-mind to delay the Court proceedings, the petitioners / defendants want to reopen the petition to examine their witness based on the arguments, which is unnecessary and not binding in law, and it is illegal to open at this stage of the case. Hence the petition is liable to be dismissed.

3. The Point for consideration is

Whether this petition is allowed or not?

4. Both side have not produced any oral or documentary evidence.

5. Point:

Both side heard. The learned petitioners counsel argued that the Suit filed for partition and posted for D3 to D7 side evidence. The petitioner side have not produced some of documents for proving that the cause of action or false and the plaintiff has not partner has not co-sharer. Further the evidence will be examined about documents mentioned in the plaintiff Para 9, 10 and 11. It is necessary to recall the witness on dated 25.06.2025 of the D3 to D7 side. But, the respondent counsel argued that this Court has already given many chances from 2018 to 2025, but they have not used these chances to examine petitioners / defendants 3 to 7. Plaintiff side arguments complied through the oral and written arguments. Deliberately and wantonly the petitioners / defendants are venturing into delaying tactics to deny justice to the respondent / petitioner and this Court given many chances for petitioners / defendants 3 to 7 to

engage in arguments, but they did not use all those chances, but wantonly with an ill-mind to delay the Court proceedings.

This Court considering the above said arguments and reasons stated by the petitioner and also considering the stage and age of the case. justice must be done to both parties equally. Then alone the ends of justice can be achieved. Hence, this Court inclined to given one more chance to petitioner to proving their case. But the petitioner filed this petition after heard the arguments of the plaintiff side. Hence, the above said circumstances this court inclined to allow the petition with cost of the petitioner.

5. In the result this petition is allowed on cost of RS.750/- to the respondents on or before 18.09.2025 otherwise this petition shall stand dismissed. Call on 19.09.2025.

Dictated by me to steno – typist and typed him directly at computer and corrected by me and pronounced by me in open Court on 08-09-2025.

Subordinate Judge,
Uthangarai.

1. Petitionerside Documents: Nil

2. Respondentside Documents: Nil

Subordinate Judge,
Uthangarai.