

**IN THE COURT OF THE II ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL.**

Present : Selvi. V. Sivaranjani, B.A., L.L.B.,

II Additional District Munsif, Nagercoil

Thursday, on the 21st day of August, 2025

I.A. Nos. 4 of 2025 & 5 of 2025

in

O.S. No. 218 of 2022

CNR No.TNKK04-000305 -2022

1. Manikandan

2. Sankar Raja

3. Vaikundan

... Petitioners / Defendants

-vs-

1. Krishnancoil Yathava Samuthaya

Vagai Arulmig Sri Maragathavalli Amman

Thirukovil, Nagercoil

rep. by its 2nd Plaintiff

2. S. Muthukrishnan

... Respondents / Plaintiffs

These petitions came before this court on 19.08.2025 for a final hearing in the presence of Mrs. B. Lkshmi Narayanan, learned Counsel for the Petitioners / Defendants and Mr. M. Parameshwara Prasad, learned Counsel for the Respondents / Plaintiffs and upon hearing both sides, perusing the case records, and having stood over for consideration till this day, this court hereby delivers the following:

COMMON ORDER**I.A.No.4/2025 Prayer**

The petitioners have filed the above petition under Section 151 of the Code of Civil Procedure, seeking to reopen the case which is posted for defendant side evidence and permit this petitioners to cross examine of PW1.

I.A.No.5/2025 Prayer

The petitioners have filed the above petition under Order XVIII Rule 17 and Section 151 of the Code of Civil Procedure, seeking to recall PW1 and to permit petitioners /defendants to cross examination.

2) Gist of Averments in the Petitioners / Defendants Petitions:

The petitioner was filing this affidavit for petitioner and 2nd and 3rd petitioners / 2nd and 3rd defendants. The respondents / plaintiffs have filed this suit for permanent injunction and other reliefs. It is submitted that the case posted for marking of documents by PW1 on 24.08.2024 on that day plaintiff has marked A1 to A10. But they have stated in the proof affidavit only 4 documents. That petitioners unfortunately not noted the remaining marked document. To elucidate our case petitioners want to cross examine the PW1, related to the remaining documents. It is just and necessary to reopen the case for the above stated reason. The petitioners have got strong and valid contentions. Under these circumstances it is just and necessary to reopen the

case for enabling us for cross examination of PW1 and recall PW1 for enabling us to cross examination, if not so, much prejudice will be caused to us. So, it is humbly prayed this court to pass an order to reopen the case which is posted for defendant side evidence and permit us cross examine the PW1 and recall PW1 enabling us to cross examine the PW1, otherwise, petitioners will be put to irreparable loss and injury which cannot be compensated in any manner later. Hence, these petitions are to be allowed.

3) **Gist of Averments in the Respondents / Plaintiffs Counters:**

The Respondents / Plaintiffs have filed a counters stated that petition is not maintainable in law and facts. It is humbly submitted that, there is no valid reason is stated in the affidavit. The defendants are have committed will full negligent in prosecuting the case. Ex.A1 to A10 documents are suit documents. It is very knowledge about the defendants. The evidence closed granted by the court. It is humbly submit that only drag on the case. The ultimate aim of the petition is to harass the defendant and delaying the court proceedings there is no merit in this petition. It is liable to dismissed. There is no valid ground to allow the petition. The petition is frivolous. The petition is not maintainable in law and no scope for this petition. There as no merit in the petition. Hence to accept the counters and dismissed the petitions.

4) The point for consideration is whether the above petitions have to be allowed or not.

5) Point:

Heard. Records perused. These petitions filed by the petitioners/defendants, while the original case has been adjourned for Defendants side evidence. The petitioners have stated that the case was posted for marking of documents by PW1 on 24.08.2024 on that day plaintiff has marked A1 to A10. But they have stated in the proof affidavit only 4 documents. That petitioners unfortunately not noted the remaining marked document. To elucidate our case petitioners want to cross examine the PW1 related to the remaining documents.

6) The reasons stated by the petitioners is only due to negligence and not pleasing. Despite that, only to give the petitioner sufficient opportunity to prove the case, this court consider to grant permission to the petitioner to cross-examine the PW1. hence, in the interest of justice, this Court is inclined to allow these petitions on conditional cost.

7) As a result,

I.A. No. 4 of 2025:

This petition is allowed, on the condition that the petitioners shall pay a sum of Rs.500/- (Rupees Five Hundred only) payable to the Mediation and

Conciliation Centre, Kanniyakumari at Nagercoil on or before 26.08.2025.
otherwise, this petition would be dismissed. Call on 26.08.2025.

I.A. No. 5 of 2025:

This petition is allowed, on the condition that the petitioners shall pay a sum of Rs.500/- (Rupees Five Hundred only) payable to the Mediation and Conciliation Centre, Kanniyakumari at Nagercoil on or before 26.08.2025.
otherwise, this petition would be dismissed. Call on 26.08.2025.

Dictated to the Typist, and typed by her directly in the Computer,
corrected and pronounced by me, in open court this, the 21st day of August
2025.

II Additional District Munsif
Nagercoil.

Petitioner side witnesses and documents : Nil.

Respondents side witnesses and documents : Nil.

II Additional District Munsif
Nagercoil.

Fair/ Draft common Order
I.A.No.4, 5 of 2025
in
O.S.No.218 of 2022
Date: 21.08.2025.
II ADM, Nagercoil.