

**IN THE COURT OF PRINCIPAL DISTRICT MUNSIF KANCHEEPURAM
KANCEEPURAM DISTRICT**

**PRESENT: TMT.R. Rajeswari,B.Com.,L.L.M.,
Principal District Munsif, Kanchipuram**

On Wednesday, this the 08 day of November 2023

**IA.No. 4 of 2023
in
O.S.No. 491 of 2001**

1. Smt. Thangammal(Died)
2.Gnanasamantham, S/o Kannaiyapillai
3.Vengatesan, S/o Gnanasamantham
4.Roobaganthi, D/o Gnanasamantham
5.Dilliganthi, D/o Gnanasamantham

...Petitioners/Plaintiffs

/Versus/

Yadhavarsangam Represented by
Ex- President A.Murugan
and others

...Respondents/ Defendants

This petition has come up on 07.11.2023 for final hearing before me in the presence of Thiru.G.Ravikumar, advocate for the petitioner and Thiru.P.K.Thevarajan, advocate for the 2nd respondent and 1st and 3rd respondents being exparte in the suit and upon hearing the arguments of both sides and upon perusing the connected material records and having stood over till this day for consideration, this court delivers the following:

ORDER

1. This petition is filed under Order 18 and Rule 17 to recall the plaintiff side witness
2. **The case of the Petitioner as stated in his affidavit is as follows:-**
3. The petitioner is the 2nd plaintiff in the suit. He is well aware of this case. In the above case, the plaintiff side evidence has been closed by order of this court on 05.03.2023. It is very necessary to examine a witness on the Respondent Yadava sangam, to prove the case of the plaintiff. Hence, this petition.
4. **The respondent filed his counter and the gist of the same is as follows:-**
5. This Respondent submits that all the allegation contained in the petition are false, frivolous, vexations and not sustainable either in law or on facts. This Respondent denies all those allegations except that are expressly admitted in this counter. This petitioners has invented all the above allegations with some ulterior motives.
6. The above application is filed only to protract the proceedings. The relief claimed in the petition is not maintainable in Law and on facts.
7. There are no merits or Bonafide or cause of action and there is no Prima facie or balance of convenience in filing this petition. Hence, this petition may be dismissed
8. The point for consideration in this petition is whether this petition is to be allowed or not.

9. The Point:

10. The learned counsel for the petitioner argued that the petitioner is the 2nd plaintiff in the suit. He is well aware of this case. In the above case, the plaintiff side evidence has been closed by order of this court on 05.03.2023. It is very necessary to examine a witness on the Respondent Yadava sangam, to prove the case of the plaintiff. Hence, the petitioner counsel prayed to dismiss the petition.
11. The learned counsel for the respondent argued that respondent submits that all the allegation contained in the petition are false, frivolous, vexations and not sustainable either in law or on facts. This Respondent denies all those allegations except that are expressly admitted in this counter. This petitioners has invented all the above allegations with some ulterior motives.
12. The above application is filed only to protract the proceedings. The relief claimed in the petition is not maintainable in Law and on facts.
13. There are no merits or Bonafide or cause of action and there is no Prima facie or balance of convenience in filing this petition. Hence, the respondent counsel prays to dismiss the petition with costs.
14. Heard both side arguments. Connected material records perused. This petition was filed by the petitioner to recall one witness on his side and the respondent side. The petitioner in this petition did not clearly mention the witness, whom he wants to examine. Hence, this petition is devoid of merits, this petition is

liable to be dismissed.

15. In the result, this petition is dismissed. No cost.

Dictated to the steno-typist, who directly typed the same in her Computer, corrected and pronounced by me in open court, this the 8th day of November 2023.

sd/-, Tmt.R. Rajeswari,
Principal District Munsif,
Kancheepuram