

IN THE COURT OF DISTRICT MUNSIF, VADIPATTI, MADURAI DT.**Present : Thiru. M.P. Ramkishore, B.E., BL., (Hon's)**

District Munsif, Vadipatti

Dated this the 16th day of April 2026**IA. No.07/2026 and IA. No.08/2026****in****O.S. No.54/2016****CNR. No.TNMD190001002016**

1. Logamani,
W/o. Selvaraj
2. Shanthi,
W/o. Bose
3. Jeyaraj,
S/o. Late. Aaram Pulithevar

----Petitioners / D3, D5 & D6

//Versus//

1. T. Kannan,
S/o. Late. Thangavel

----Respondent / Plaintiff

These petitions were filed before this Court on 23.03.2026 coming before me for final hearing on 16.04.2026, Advocate Thiru. K.K. Ravie appeared for the Petitioners /defendants, and Advocate Thiru. M. Thiyagarajan appeared for the Respondent / Plaintiff. Upon hearing the arguments advanced on both sides, upon perusing the available material records, this Court has delivered the following....

COMMON ORDER**1. I.A. No.7 of 2026:**

This petition was filed under s. 151 of C.P.C. to recall Pw.1 for cross examination in the main suit.

2. I.A. No. 8 of 2026:

This petition was filed under s. 151 of C.P.C. to reopen Pw.1 cross examination in the main suit.

3. Petition averments in brief:

The petition contention was that the petitioner was the 6th defendant in the main suit, it was filed by the respondent / plaintiff for permanent injunction. The suit was in defendant side evidence. Further, the chance for cross examination of Pw.1 was closed on 07.11.2025 due to non appearance. Thus the petitioner filed these petitions, seeking leave of this court to file reopen and recall the Pw.1 cross to cross examine the Pw.1.

4. Counter averments in brief:

The respondent denied the entire petition contentions and stated that though sufficient time was granted to cross examine the Pw.1, the petitioners failed to cross examine Pw.1. Thus the cross of Pw.1 was closed on 07.11.2025. The suit was pending for defendant side evidence. At present the petitioners filed these petitions to reopen and recall the cross of Pw.1. The petitioners have not stated any valid reason for their inability to appear before this court for the cross-examination of Pw-1. Thus the petitions were filed only to protract the suit proceedings and hence liable to be dismissed.

5. Point for determination : i. Whether the petition to reopen cross examination of Pw.1 is to be allowed? and ii. Whether the petition to recall Pw.1 for cross examination is to be allowed?

i. Records perused. The petitioners filed these petitions to reopen Pw.1 cross examination and to recall Pw.1 in the main suit, which was closed on 07.11.2025. On the other hand, the respondent challenged the petition stating that these petitions were filed without any valid grounds and filed only to delay the suit proceedings.

ii. On perusal of records, these petitions were filed to reopen and recall Pw.1 for cross examination in the main suit. On the other hand, the respondent opposed the petition stating this petition was groundless and filed only to delay the main suit. From perusal of records, main suit was of the year 2016, filed for permanent injunction not to disturb the peaceful possession of the plaintiff in the suit property. At present the main suit was pending for defendants side evidence, at this stage these petitions were filed.

6. In the present petitions, to reopen and recall Pw.1 for cross examination, No reason was stated by the petitioners for their inability to appear before this Court to cross examine the Pw.1. The respondents had rightly pointed out that these petitions were filed without any valid reasons. In this scenario, this court is of the view though the petitioners / defendants was given all fair opportunity to cross examining Pw.1, as rightly pointed out by the learned respondent counsel, they have not cross examined Pw.1. However, this court is of the view that in order to ensure fair trial, subjecting a witness to cross examination is necessary. Hence, a final opportunity to the petitioners to reopen and recall Pw.1 for cross examination on costs.

Fair Order / ~~Draft Order~~

7. ***In the result***, the petitions in I.A. No. 7 of 2026 and 8 of 2026 are allowed on cost of Rs.1500/- each (Total cost Rs.3000/-). Cost to be paid to the contesting respondents, on or before the next hearing of the main suit.

Directly dictated to the Stenographer and computerized error checked and pronounced in the open court on ***16th day of April 2026.***

District Munsif,
Vadipatti.

Petitioners side witness and documents : Nil

Respondents side witness and documents : Nil

District Munsif,
Vadipatti.

Fair Order / ~~Draft Order~~

DISTRICT MUNSIF COURT

Vadipatti

Fair Order/~~Draft Order~~

IA. No.7 and 8/2026

In

O.S. No.54/2016

Date : 16.04.2026