

I.A.No.9/2025
in
O.S.No.19/2014

D.D.05.04.2025.

Order Pronounced.

This application has been filed by the petitioner/plaintiff to reopen and recall Pw1 for the purpose of filing of additional proof affidavit.

2. According to the petitioner/plaintiff, the case is now in the stage of defendants side evidence and Dw1 was examined in chief and he was not cross examined in full due to the filing of interim application by the 1st defendant and in the mean time Dw1 died and the defendants 12 to 14 were added as parties. Since the 1st defendant died, the share of the plaintiff and the defendants 2 to 4 get enlarged and the plaint was also amended and therefore, he has to file the additional proof affidavit to elicit certain facts and therefore, he has come forward with the present application.

3. The respondents/defendants 4, 5 and 7 contended that the petitioner/plaintiff is filing petition

after petition only to drag on the proceedings and there is no absolute necessity for the plaintiff to let in evidence on his side by filing additional proof affidavit and therefore, the petition has to be dismissed.

4. The petitioner/plaintiff seeks to file additional proof affidavit mainly with regard to the accounts maintained by the 1st defendant with the defendants 12 to 14. No prejudice will be caused to the respondents/defendants in allowing this application. Therefore in the interest of the justice, this Court is of the considered view that this petition can be allowed.

5. In the result, this petition is allowed. No cost.

Principal District Judge,
Perambalur.

