

IN THE COURT OF DISTRICT MUNSIF, THIRUVADANAI.

PRESENT: Thiru.J.Antony Rishandev B.B.A.,LLB., (Hons)
District Munsif, (FAC)
Thiruvadanai.

Wednesday, the 04th day of February 2026

IA.No.03/2026
in
OS No.252/1995

1. Rajammal
2. Mahamani
3. Pugazhenth
4. Suceela
5. Arul
6. John Britto
7. Sundari
8. Nagasundari
9. Nagasundaram
10. Rasu mudhaliyar
11. Viyakulamary
12. Jeyamary
13. Chandran
14. Thaineshmary
15. Ambayee
16. Rethinam
17. Chandran

18. Subramaniyan
19. Jonesmary
20. Polipass
21. Ulagammal
22. Gandhi
23. Kulanthai thiresu
24. Amirtharaja
25. Peter
26. John Arokiyasamy
27. Joshepraja
28. Mahalingam chettiyar
29. Kaliyammal
30. Mathiyalagan
31. Jayaseeli
32. Arumugam
33. Veerapathiran
34. Gandhi
35. Ranjitham
36. Rajeshwaran
37. Alagarsamy
38. Manikandan
39. Shanthi
40. Muruganantham
41. Mala
42. Palani

43. Mohamedmaraikayar
44. Pousiyabanu
45. Javin
46. Syed maraikayar
47. Fasil
48. Najimarani
49. Sekmasthan
50. Seipinbeevee
51. Sathakathulla
52. Rukkaiyabeevee
53. Silvajthamary
54. Britto
55. Rajesh
56. Karolin
57. Leemarose
58. Jegan
59. Soap
60. Amali
61. Ilangovan
62. Ravi
63. Shanthi
64. Balamurugan
65. Theivasundari
66. Balamurugan
67. Karpagam

- 68. Sumathi
- 69. Muthulakshmi

...Petitioners/Defendants

Vs

Ananthammal
(Through her power agent Chinnathampi)

...Respondent/Plaintiff

This petition came up for final hearing on 02.02.2026, in the presence of Mr.N.Balaji, advocate for the Petitioners and Mr.Uthuman, advocate for the Respondent upon perusing the case records and having stood over for consideration till this day, this court hereby delivered the following...

ORDER

This petition was filed by the petitioners herein under Order XVIII Rule 17 r/w. s.151 CPC to recall and re-examine PW1 and PW2 in O.S 252/1995. The Petitioners states that since this suit has been remanded back to this trial court on appeal, PW1 has to be cross examined by them on certain crucial aspects and further states that, since PW2 has not been fully cross examined by them due to

certain untoward incidents, they are rightfully entitled to the reliefs sought for in this petition.

1. Notice and Response:

After this petition was filed, notice was issued to the Respondents herein and they filed a counter placing strong objections to this petition. The Respondents in their counter stated that the Hon'ble Madurai Bench of Madras High Court in CRP (MD) No.2386/2025 dated 29.08.2025 has directed this trial court to dispose of this suit within a period of six months and the Petitioners herein have intentionally filed this petition without reasonable grounds in order to procrastinate this suit. The Respondents further seeks to dismiss this petition with an exemplary cost of Rs.50,000/-.

2. Discussion and Decision:

After hearing both sides, and after carefully perusing the entire case records, this court makes the following decision:

On perusal of records, it was found that that the chance for cross examination of PW1 and PW2 has been closed by this court on 21.01.2025 and 05.03.2025 respectively, since the Petitioners herein failed to cross examine PW1 and PW2 despite their attendance in Court. Further, the

demeanor of PW2 recorded by this court during his cross examination on 03.03.2025 has also been noted for consideration. Considering, the nature of this suit, this court feels that only a full-fledged cross examination of PW1 and PW2 would enable this court to arrive at a just decision in deciding this suit. Therefore, this court decides to afford an opportunity for the Petitioners herein to cross examine PW1 and PW2 in OS 252/1995. However, to ensure timely disposal of the suit, this court is inclined to allow this petition on the following condition that PW1 and PW2 should be cross examined on the same day of their attendance in this court without fail by the Petitioners herein, failing which this petition stands dismissed.

In the result, this petition is allowed with a cost of Rs.1000/- which shall be collectively paid by the Petitioners herein to PW1 only.

*Dictated to the typist, transcribed by her corrected, and pronounced by me
in open Court, this is the 04th day of February 2026*

District Munsif, (FAC)
Thiruvadanai.

Petitioners' side Witness and Documents :-

- Nil -

Respondent's side Witness and Documents : -

-Nil-

District Munsif, (FAC)
Thiruvadanai.