

**IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, ATTUR**

PRESENT : **Tmt. D. JANSIRANI, MBA., LL.M.,**  
ADDITIONAL DISTRICT MUNSIF, ATTUR.

Friday, 8<sup>th</sup> day of August 2025

**I.A. No. 6/2025 in O.S. No. 108/2004**

**CNR No. TNSA13-000062-2004**

Karuppanna Gounder

. . . Petitioner/Defendant

/Versus/

1. Perumal (died)
2. Periyammal
3. Chellammal
4. Pavunu
5. Manigandan

. . . Respondents/Plaintiffs

This petition is came up for final hearing before me on 08.08.2025 in the presence of Thiru.R.Sankar , Advocate for the Petitioner/Defendant and Thiru. P.Ravindran, Advocate for the Respondents/Plaintiffs upon hearing the arguments on either side, and upon perusing the materials records, and having stood over till this day for consideration, this date, this court delivers the following,

**ORDER**

The Petitioner/Defendant has filed this petition Under section 151 of CPC praying to reopen the evidence of Pw2 for the purpose of cross examination.

2. **Brief averments made in the petition :**

The Petitioner / Defendant states that Pw2 was examined by Advocate commissioner. The Advocate commissioner not intimated the proper time for the recording the evidence of Pw2 on 14.07.2025 to his counsel. Since the proper time was not intimated the counsel for the petitioner not able to cross examine Pw2 on that day. Hence filed this petition to reopen the evidence of Pw2 for cross examination.

2. **Brief averments made in the counter**

The Respondents / Plaintiffs objected this petition that this petition is not maintainable and the averments stated in the affidavit are false and denied. The petitioner /defendant purposely drag the case for the past 20 years. Since Pw2 was examined by Advocate commissioner the petitioner/defendant has to bare the expense of Advocate commissioner for recall of Pw2. There is no strong reason stated for recall of Pw2. Hence this petition is liable to be dismissed.

3. ***Now the point for consideration is Whether the petitioner/defendant is entitled to get the relief prayed in the petition?***

4. Both side argument heard. The petition, counter and records are carefully perused.

In this case the Respondents/plaintiffs filed the suit against the petitioner/defendant for Specific performance , permanent injunction and recovery of possession. Pw2 is one of the witness to the sale agreement between the plaintiffs and defendant. Since Pw2 is suffering by chronic heart disease. The petition was filed to examine Pw2 through an the Advocate commissioner and the same was allowed. The Advocate commissioner fixed the date for examination for Pw2 as 14.07.2025 at 11.30 A.M. In spite of notice given by the Advocate commissioner to both side counsels the defendant counsel did not go for cross examination.

Hence the evidence of Pw2 was recorded by the Advocate commissioner without cross examination and report was filed.

Now the defendant filed this petition for cross examination of Pw2. On considering the facts and circumstances of the case to arrive final conclusion in the case this court inclined to allow this petition for the interest of justice.

In the result,

This petition is allowed. No cost.

Dictated to the Steno typist directly, typed by her, corrected and pronounced by me in the open court on this the 8<sup>th</sup> day of August 2025.

**Additional District Munsif  
Attur**

List of Documents and Witnesses on Both side:

**Nil.**

**Additional District Munsif  
Attur**

A.D.M. Court, Attur.  
DRAFT / FAIR ORDER  
I.A. No. 6/2025 in O.S. No. 108/2004  
Dated : 08.08.2025