



(IA.No.3/2026 in OS.No.02/2021)

IN THE COURT OF DISTRICT MUNSIF, AUNDIPATTI.

PRESENT: Thiru. E. Suganthan, B.A., L.L.M.,

District Munsif, Aundipatti.

Saturday, the 04th day of July 2026

IA. No : 3/2026

in

OS. No : 02/2021

CNR. No. TNTH140001122020

1. O.Mayee
2. Pandeswari
3. Suresh
4. Nagapandi

...Petitioners/Plaintiffs

..Vs..

1. Sekar
2. Subbuthai
3. Sumathi

... Respondents/Defendants

This Petition came up on 23.06.2026 before this court for final hearing in the presence of Mr.K.Murugan, Advocate for the Petitioner and Upon hearing the arguments on petitioners the sides and having stood over till this day for my consideration, this court delivers the following...

ORDER

This Petition has been filed by the Petitioner/Plaintiff under Order XVIII Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 to recall the witness for the purpose of cross-examination.

For the sake of convenience, the parties are referred to according to their litigative status in the main suit.



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1. The Petitioner is the Plaintiff in the suit. The suit is presently pending in the stage of Further plaintiff side witness witness. At this juncture, the present petition has been filed for recalling the witness (PW1) for the purpose of cross-examination.

2. The contention of the Petitioner is that when the suit was posted for the cross-examination of PW1 on 17.12.2025, PW1 could not appear before the Court due to illness. Consequently, the cross-examination of PW1 was closed and it was ordered that the evidence of PW1 would not be considered. According to the Petitioner, the non-appearance of PW1 was neither wilful nor wanton. Unless an opportunity is granted to produce PW1 for cross-examination, the Plaintiff would be seriously prejudiced in establishing the case on merits. Hence, the present petitions have been filed.

3. The Respondents have endorsed "No Objection on payment of cost" for allowing the petitions.

4. This Court has carefully considered the submissions made by both sides and perused the records.

5. The inherent powers of the Court under Section 151 CPC and the power under Order XVIII Rule 17 CPC are intended to enable the Court to do complete justice between the parties and to ensure that a lis is decided on its merits. Though the cross of PW1 is already closed, the Court is empowered to recall a witness if sufficient cause is shown and if such exercise would facilitate a fair adjudication of the dispute, provided that no irreparable prejudice is caused to the opposite party.

6. In the present case, the reason assigned by the Plaintiff for the non-appearance of PW1 is illness. Further, the Respondents have expressly stated that



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they have no objection for allowing the petitions. Therefore, this Court is of the view that one final opportunity can be granted to the Plaintiff to produce PW1 for cross-examination, subject to payment of costs, so that the dispute may be adjudicated on merits rather than on technical grounds. However, considering that the stage of the suit and that the present application has resulted in delay in the disposal of the suit, the Plaintiff must be saddled with costs.

7. Accordingly, the petition is allowed on payment of costs of Rs.1,000/- (Rupees One Thousand only) to the Respondents on or before 15.07.2026.

8. Upon such payment, PW1 is recalled solely for the purpose of cross-examination. The Plaintiff shall produce PW1 for cross-examination on 15.07.2026 without seeking any further adjournment. The Defendants shall cross examine the witness on the said date without fail.

9. In the event of failure to do so, the benefit of this order shall automatically stand vacated without any further reference to this Court, and the suit shall proceed from the stage at which it stood prior to the filing of these petitions. For reporting compliance call on 15.07.2026.

Typed and corrected by me directly in my Laptop, printed by steno-typist and pronounced by me in open court on 04th Day of July 2026.

**District Munsif,
Aundipatti.**



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List of Petitioner side witnesses : Nil

List of Petitioner side documents: Nil

List of Respondents side witnesses: Nil

List of Respondents side documents:Nil

**District Munsif,
Aundipatti.**

District Munsif Court, Aundipatti.

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in
OS. No : 02/2021
Fair/ Draft Order
Dated: 04.06.2026**