

**IN THE COURT OF THE DISTRICT MUNSIF, PALLADAM**

**Present:- Thiru. V. Kalidasan, B.Com., L.L.M.,  
District Munsif,Palladam.**

Wednesday the 7<sup>th</sup> day of January 2026

**IA No.14/2025 and IA.15/2025**

**in**

**OS No.195/2007**

1. Selvi

2. Thangarasu

3. Naveen

...Petitioners/Defendants 5 to 7

**/Vs/**

1. Marathal

2. Rajalakshmi

3. Angammal

...Respondents/Plaintiffs

This Petition is coming on 05.01.2026 for final hearing before me in the presence of Thiru.V.Raveendran, B.Sc.,B.L., Advocate for the Petitioners and Thiru.M.Ponnusamy, B.A.,B.L., Advocate for the Respondents, Upon perusing the Petition, affidavit, counter statement and other connected materials on record and having stood over till this day for consideration, this court made the following...

**COMMON ORDER**

1. The petitioners filed the petition in IA No.14/2025 Under Order 18 Rule 17 and Under Section 151 of CPC, that to recall the P.W.1 for further cross examination.

2. The petitioners filed the petition in IA No.15/2025 Under Section 151 of CPC, that to reopen the plaintiff side evidence for further cross examination of P.W.1.

**3. Brief averments of the petitions filed by the petitioners in IA.14/2025 and IA.15/2025:-**

The respondents have filed the above suit for partition against defendants. The above case was posted for argument on both sides. When they verified the deposition of evidence for the argument purpose, they came to know that some of the important and vital essential questions and fact in respect of the suit property were omitted to ask. Hence, they come forward with the instant application. Without the further cross examination of P.W.1 in respect of the vital questions of the suit property, they are not able to enlighten real facts and circumstances in respect of the execution of the release deed dated 28.02.2007. Hence, it is just and necessary to file the instant application. Unless the court is granted permission to reopen the Plaintiff side evidence for further cross examination of P.W.1, they will be prejudiced and put to hardship. Hence, this petition.

**4. Brief averments of the counter filed by the Respondents in IA.14/2025 and IA.15/2025 :-**

The above suit was filed in the year 2007 for Partition and other reliefs against the defendants. PW1 was examined in chief on 20.06.2023 and EX.A1 to EX.A22 were marked on 17.10.2023. PW1 was cross examined by the petitioner's side on 16.11.2023 in part and fully cross examined on 05.12.2023. PW1 was elaborately cross examined by the petitioner's side. Plaintiffs' side evidence was closed on 14.12.2023 with PW1. 6th defendant was examined as DW1 in chief on

18.01.2024. DW1 was fully cross examined on 25.06.2024. One S.Udhayakumar was examined DW2 and fully cross examined on 23.07.2025. One Gopalakrishnan was examined as DW3 and cross examined on 07.08.2025. 1st defendant was examined as DW4 and cross examined on 31.10.2025. After closing of both side evidence, the above suit was posted on 10.11.2025 for arguments. After getting two adjournments for arguments, the petitioners have come forward with these petitions for reopening the plaintiff's side evidence and to recall the PW1 for further cross examination on false and untenable grounds with intent to harass the respondents and to drag on the proceedings of the case. It is submitted that PW1 was elaborately cross examined by the petitioner's side at hours together in the year 2023 itself. After closing of plaintiff's side evidence with PW1, several adjournment were given and DW1 to DW4 were examined. After verification and perusal of PW1's evidence, the petitioners have examined DW1 to DW3. Hence, it is totally false to state that the 2<sup>nd</sup> petitioner verified the deposition of evidence for arguments purpose. After lapse of 2 years from closing of PW1's evidence, the petitions for reopen the plaintiff's side evidence and to recall PW1 for further cross examination, at arguments stage, is not maintainable one. To mislead this court, to fill up the Lacunae/Omissions if any and to protract and drag on the proceedings of the case, the Petitioners/Defendants 5 to 7 have filed the above applications. No necessity to recall the PW1 for further cross examination in the above suit, at arguments stage. Therefore, these petitions is liable to be dismissed.

**5. Points for consideration:**

Whether these petitions will be allowed or not ?

6. Materials on records perused. No oral or documentary evidence by the both sides.

**7. Answer to the point :**

It is seen from the records the suit in O.S. No.195/2007 has been filed for partition and other reliefs. I.A.No.14/2025 has been filed by the petitioners/defendants 5 to 7 to recall the P.W.1 evidence for further cross examination and I.A.No.15/2025 has been filed by the petitioners/defendants 5 to 7 to reopen the plaintiff side evidence.

8. On considering both side contentions and on perusing the entire case records the only contention of the petitioners for these petitions is that during the cross examination of P.W.1 certain important and vital questions were omitted to ask. The same was came to the knowledge of the petitioners herein, at the time of preparing the arguments only. Therefore, without further cross examination of the P.W.1, they could not enlighten the real facts before this court. Hence, prayed to allow these petitions.

9) On the other hand the respondents contented that the petitioners herein had already elaborately cross examined the P.W.1 on 05.12.2023 itself. Thereafter, the defendants side adduced D.W.1 to D.W.4 for their side. The petitioners herein had adduced D.W.1 to D.W.3 for their side. After examination of both side witnesses, in order to fill up the lacuna and prolong the proceedings only the present petitions have been filed by the petitioners. Hence, prayed to dismiss these petitions.

10) On considering the both side contentions and on perusing and entire case records, the only reason stated by the petitioners for this petitions is that during the cross examination of P.W.1 certain important and vital questions were omitted to ask. It is evident from the records the above case is now posted for both side arguments. After closing the both side evidences on 03.11.2025, the

above case was adjourned to 10.11.2025, 18.11.2025 and 24.11.2025 for both side arguments. At this stage the petitioners/defendants 5 to 7 have filed the above petitions.

11) It is pertinent to note that as pointed out by the respondents/plaintiffs though the petitioners herein had completed the cross examination on 05.12.2023 and thereafter they adduced evidences of D.W.1 to D.W.3 for their side, they have not chosen to file these petitions much earlier. Even after the closing the evidence of the P.W.1, the petitioners side adduced several evidence for their side. Therefore, the reason stated by the petitioners that they came to know about the certain important questions were omitted to ask with the P.W.1 only when perusing the depositions while preparing for arguments, is not convincing to allow these petitions. It is clear from the above the petitioners filed these petitions only in order to fill up the lacuna and protract the proceedings. The above suit is pending for more than 18 years. Hence, allowing these petitions will lead to further delaying the above suit. Therefore, this court is not inclined to allow these petitions.

**In the result,** these petitions are dismissed. No cost.

Dictated to Steno-Typist, and typed directly in computer and corrected & pronounced by me in open Court, on this 7<sup>th</sup> day of January 2026.

**District Munsif,  
Palladam.**

**Appendix:-**

**Petitioner's and Respondent's side Witness and Documents:-** Nil

**District Munsif,  
Palladam.**

IA No.14/2025  
and  
IA No.15/2025  
in  
OS No.195/2007  
Draft/**Fair** order  
Dated 07.01.2026  
DMC Palladam