

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

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

Thursday the 27th day of June 2024

**I.A. No.384/2019**

**in**

**O.S.No.107/2013**

1. Natarajan (Died),  
2. M. Kittusamy & Others

... Petitioners/Defendants

**/Vs/**

Kaliammal and others

... Respondents/Plaintiffs

The petitioner filed this petition Under Order 8 Rule 1-A (4) Section 151 of CPC to continue the cross examination and mark relevant documents in the cross examination and thus render justice.

This Petition is coming on 07.06.2024 for final hearing before me in the presence of Thiru.K.Janardhanan,B.A.,B.L., Advocate for the Petitioners and Thiru.P.Sakthivel, B.Sc.,B.L., Advocate for the respondents. Upon perusing the Petition, affidavit, and other connected material papers of record and hearing the arguments of both sides and having stood over till this day for consideration, this court made the following...

**ORDER**

1. The case of the petitioner herein is that the elementary principle that the plaintiff should prove his/her case on their own pleadings and evidence. The law does not permit to pick the holes from the defendants' case. The plaintiffs' must prove his case to the satisfaction of the Court. After examining two witnesses on the side of the plaintiffs and knowing that they have lamentably failed to prove their case, they are

making attempt to lay their hands on the genuine documents of this petitioners and are trying to prop up a false case. The petitioner said that PW3 & PW4 were summoned and PW3 was fully cross examined by them. The PW4 is an Officer from Taluk Office, Palladam and he was examined in chief and this Court was pleased to call the defendants for cross examination. Our Counsel put relevant and important questions to prove our case. The patta issued by Deputy Tahsildar, Palladam, and the same document was shown and he got the patta from the counsel of the defendants and accepted that it was issued by the said Tahsildar and when the same was produced for marking the document the counsel for the plaintiffs made a hue and cry and raised his voice and objected to the marking of the documents. When the officer from the Taluk Office, was in the box, he is giving evidence on the basis of Authority given to him by the Tahsildar. The petitioner said that when the plaintiff had examined the witnesses in chief, the defendants have got unfettered right to cross examine the witness to elicit the truth. Hence, prayed to allow this petition.

2. The case of the respondents is that the allegations made in petitions are all false and incorrect one. The petitioner could not file the petition under Order VIII Rule 1 A (4) to seek permission to continue cross examination of any witness already examined in chief. Hence, this application from the origin itself defective one and has to be dismissed on that score alone. The respondent submits that they have filed petition under Order XVI Rule 1(2) to summon the official witnesses for producing the documents relevant to the suit property. The said petition was taken on file in I.A.No.63/2019, and after the due enquiry the said petition has been allowed on merit by this Hon'ble court. The petitioner who are being respondent in I.A.No.63/2019 had not challenged the said order before any appellant forum. Hence, prayed to dismiss the petition with cost.

## **2. Points for consideration:**

Whether this petition will be allowed or not ?

## **3. Answer to the point :**

4. Heard Petitioner counsel. No oral or documentary evidence is let in by petitioner side.

5. Materials on records perused. This petition was filed by the petitioner Under Order 8 Rule 1-A (4) Section 151 of CPC to continue the cross examination and mark relevant documents in the cross examination.

6. On perusal of records on considering the both side submissions it is found that this petition is filed by the Petitioners/Defendants permit their counsel to continue to cross examination of the witness PW4 namely Chandrasekar who deposed evidence on behalf of the Tahsildar, Palladam. It is contended by the Petitioners counsel during the cross examination of the said evidence on the side of the petitioners/Defendants the Tahsildar accepted the patta shown by the counsel that was issued by them only and the counsel for the respondents herein had objected to the said marking of the said documents. The officer from the Taluk Office was in the box he is giving evidence on the basis of authority given to him by the Tahsildar. When the evidence subjected for cross examination the party whom to cross examined is every right to cross examine the witness to elicit the truth. Hence, it is necessary for the petitioners to complete the cross examination of the said witness.

7. On the other hand the learned counsel for the respondents submitted that the petitioners can not file the petition Under Order 8 Rule 1A(4) to seek permission to continue cross examination of any witness already examined in chief. Hence, this application has to be dismissed. The petitioner herein tried to mark some documents through the said official witness for that only the respondents counsel made this objection in accordance with the law. The official witness did not produce any

documents sought in summon that was recorded by this court. In this circumstances under the name of cross-examination how can the petitioner/Defendant could mark the revenue records through the said witness for the reason alone the respondent had objected on that day.

8. It is seen from the deposition of the witness PW4, the counsel for the defendant had partly cross examined the said witness Deputy Tahsildar namely Chandrasekar and during the cross-examination of the said witness, the counsel for the defendant questioned about the patta and thereafter at the request of the counsel the cross-examination was adjourned. It is seen from the docket adjudication it is noted that the cross-examination will be continued after clarification whether patta can be marked through Tahsildar are not. While this case pending for clarification the present petition is filed by the petitioners for permit them to continue the cross-examination. It is evident from the deposition and docket adjudication the cross-examination of the said witness has not been closed by this court. Therefore, this petition itself is not necessary for the petitioners to seek permission they can complete the cross-examination by summoning the said witness. Therefore, this court is inclined to permit the petitioner to cross-examination of the PW4 namely Chandrasekar.

**In the result,** this petition is allowed. No costs.

Dictated to Steno - Typist, and typed directly in computer and corrected & pronounced by me in open Court, on this 27th day of June 2024

**DistrictMunsif,  
Palladam.**