

**IN THE COURT OF THE II ADDITIONAL DISTRICT & SESSIONS JUDGE,
THANJAVUR.**

**Present :Tmt. A. Malarvizhi, M.L.,
II Additional District & Sessions Judge,
Thanjavur.**

Tuesday the 26th day of April 2022
(Thiruvalluvar Aandu 2053- Chithirai Matham 13th day)

I.A.NO.54/2022 IN O.S.NO.68/2019

M. MurugesanPetitioner/ Plaintiff

/Vs/

1. Govindaraj
2. Sadhananthapathy

.....Respondents/Defendants

This petition having come up for final hearing before me on today (26.4.2022) in the presence of Thiru. **K. Parthiban**, Advocate for the Petitioners and of **Thiru. G. Ramalingam**, Advocate for the respondents and upon hearing the arguments of both sides, upon perusal of the entire material records pertaining to the case and the matter having stood over for consideration till this date, this court delivered the following

ORDER

(1) This petition has been filed by the petitioners U/o.18.Rule 17 of CPC. to recall the petitioner/plaintiff and permit him for marking the documents on the petitioner's side.

(2) Heard both sides. Records perused. This petition was filed u/o.18.R.17 to recall the petitioner for marking the documents on the side of the plaintiff. The petitioner/plaintiff contended that, already P.W.1 was examined and some documents were filed on his side. After his cross examination, he was able to collect the documents related to prove his financial capacity. He could not file them at the time of his evidence. Those documents are very important. So, the petitioner may be recalled for marking

of documents and the petition is to be allowed.

(3) The Respondent objected that this petitioner has not adduced sufficient reason for non-filing of documents at the time of examination of P.W.1. The petitioner filed this petition to drag on the case. Hence, this petition is to be dismissed.

(4) Considering both sides arguments, it is found that the petitioner wants to file some documents to prove his capacity to lend money. It is viewed that the petitioner filed those documents to discharge the onus of proof of lending the money. The petition in I.A.No.53/2022 to receive the documents is allowed. Hence, in order to mark those documents, recalling P.W.1 is necessary. Therefore, in the interest of justice, this court inclines to recall P.W.1 for marking of additional documents. Hence, this petition is allowed.

Pronounced by me in the open court, this the **26th day of April 2022.**

(Sd) A. Malarvizhi

**II Additional District & Sessions Judge,
Thanjavur.**

Petitioner and Respondents side

Exhibits and Witnesses : Nil

(Sd) A. Malarvizhi

**II Additional District & Sessions Judge,
Thanjavur.**

Draft/Fair Order

IA. 54/2022 in O.S.No: 68/19

Dated: 26.4.2022

