

IN THE COURT OF SUBORDINATE JUDGE : LALGUDI

Present : Tmt.R.Mohana, B.L.,

Subordinate Court, Lalgudi

Dated Tuesday, the 21st day January 2025

I.A No.3/ 2024 in OS.No.95/2021

(CNR.No.TNTP180004612021)

A. Kanagaraj

.....Petitioner/plaintiff

- Vs -

1. Marudhambal

2. Banumathi

3. Saroja

4. Vembu

..... Respondents/defendants.

This petition came up before this court for final hearing on 11.12.2024 in the presence of the Learned Counsels Thiru.K.Jayaraman- advocate for the petitioner and of Thiru.V.C.Vengadachalam Advocate for the 4th respondent and 1 to 3 respondent remained exparte and heard both side and upon perusing the case records and having stood over for consideration before this court till this day, today this court hereby delivers the following. . .

ORDER

1. The petitioner/plaintiff has preferred this petition under section 151 of CPC, pleased to grant permission to continue Chief examination PW1 by reopening the chief examination of PW1.

2. The Learned Counsel for the petitioner argued that the PW1 was chief examined and Ex.A1 to A5 were marked during the chief examination and after closing the chief examination now the suit is posted in the stage of PW1 cross. The documents mentioned in

IA.No.4/24, are essential to prove the case of the petitioner/ plaintiff and hence it is necessary to receive the same by allowing this petition because the document has to be marked through the plaintiff who was examined as Pw1 or otherwise this petitioner will be put to irreparable loss and hardship.

3. The Learned Counsel for the respondents/ defendants argued that there is no specific particulars with regard to the issuance of the document and the signature made by the Petitioner in blue ink is itself revealed that the petitioner has concocted and created this documents for this litigation purpose and there is no merits in this application and hence this Petition may be dismissed with cost.

4. This is suit for specific performance based on the sale deed (sale agreement) dated 29.10.2012 said to be executed by the father of the respondents/defendants. This Court is of the opinion that the document filed with Petition in IA No 4/24 has been mentioned in the Plaint pleadings and hence the relevancy and proof of the same can be looked in to only in the main case after hearing both sides.

5. Further the averments mentioned in the Counter regarding the genuinity of the documents can be determined in the main case after hearing both sides. As such this Documents mentioned in IA No4/24 can be received subject to proof and relevancy and consequently, this petition may be allowed. The respondents are liberty to cross examine the Pw1 and hence no prejudice would cause to the respondents by allowing this application.

In the result, this Petition is allowed. Permitted to reopen the Pw1 chief examination.

Dictated to steno-typist, typed by her directly in computer, corrected and pronounced by me in open court on this the **21st** day of **January 2025**.

Sd./-Tmt.R.Mohana, B.L.,

SUB JUDGE
LALGUDI.

List of Documents

Petitioner side witness and document - Nil

Respondents side witness and document - Nil.

Sd./-Tmt.R.Mohana, B.L.,

SUB JUDGE

LALGUDI.

/True copy/

Sub Court, Lalgudi

IA.No.3/2024 in OS.No.95/2021

Fair/ Draft Orders

Dated – 21.01.2025