

IN THE COURT OF SUBORDINATE JUDGE : LALGUDI

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

Subordinate Court, Lalgudi

Dated Tuesday, the 04th day of November 2025

I.A No.12/ 2025 in OS.No.748/2018

(CNR.No.TNTP180019502018)

- 1.Uma devi
2. Sri Devi
3. Vishnukumaran
4. Akila

.....Petitioners/Defendants 1 to 3 & 9

- Vs -

1. Syamala Devi
2. M.Rajendran
3. Vijayakumar
4. Murugesan
5. Jayabal
6. Ravichandran
7. Balasubramani
8. M.R.Saravanan
9. R.Kumaresan
10. A.Kannadasan
11. Kavitha
12. M.Parvathy
13. M.Vasantha
14. K.AmsaraniRespondents/Defendants 4 to 8, 10 to 17

....1st Respondent/Plaintiff

This petition came up before this court for final hearing on 03.11.2025 in the presence of the Learned Counsels Thiru.K.Jayaraman - advocate for the petitioner and Thiru.L.Rengarajan-Advocate for the R1 and of Thiru.G.Johnson-Advocate for the R10, R11, R14 and 2 to 9, 12, 13 respondents were 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

The Petitioner/2nd defendant has filed this Petition Under Order 18 Rule 17 CPC, to recall the PW1 for cross examination on the side of the 1, 2, 3 and 9th defendants.

2. Gist of petition -

The Petitioner being the 2nd defendant has engaged counsel for herself and on behalf of her sister 1st defendant and her son 3rd defendant and 9th defendant. The Counsel for the Petitioners was cross examined the PW1. But due to oversight, he was omitted to cross examine the Pw1 in two aspects which is necessary, relevant and important for the disposal of the suit. The Petitioner has good case on merits. The Petitioners may be permitted to cross examine Pw1 or otherwise they will be put to serious hardship and loss and this Petition may be allowed.

3. Gist of Counter objection filed by the 1st respondent -

There is no ground to permit to cross examine the Pw1 for further cross and for all the reason stated in the affidavit filed in the support of the application. After several

hearings this Pw1 was been examined on 19.08.2025 in part and after several hearings, this Pw1 was been cross examined in full on 02.09.2025 by the Petitioners. Now this sort of application has been filed for recall of Pw1 for further cross, is only to drag on the case. There is no merits in this application and this Petition may be dismissed.

4. Points for consideration -

1. Whether this Petition is allowed or not ?

5. Both side heard. Case Records Perused. No documents marked and no evidence let in on either side.

6. The Learned Counsel for the Petitioners argued that the 1, 2 defendants are being sisters and the 3rd defendant who is son of the 1st defendant and along with 9th defendant have engaged Counsel and he has cross examined the Pw1. But, he has not cross examined in all aspects which is necessary, relevant and important for the disposal of the suit and this Petitioners have good case on merits and this Petition may be allowed by giving opportunity to cross examine by this Petitioners.

7. The Learned Counsel for the 1st respondent /Plaintiff has argued that even after availing several hearings for cross examining the PW1, this Petition has filed only to drag on the main case and there is no merits in this application and hence this Petition may be dismissed with cost.

8. Both side heard. Case records perused. This is suit for partition filed by the respondent /Plaintiff. The suit is in the stage of PW1 cross on the side of 10th, 11th and

14th defendants, since the Present Petitioners/1 to 3 and 9th defendants side cross examined in full.

9. As per averments of the Plaintiff, the father of the Plaintiff has purchased the properties in the name of his wife Rajalakshmi for the benefit of his family members. But, the 1 to 3 and 9th defendants being the petitioners have pleaded that the Plaintiff has already agreed to receive the money as well as jewels for her share and the mother Rajalakshmi had already settled her property in favor of the 1 and 2 defendants in her clear state of mind.

10. The plea taken by the defendants have to be established through the cross examination of Pw1 for arriving just and final conclusion. Further this Court is of the opinion that the Petitioners have come forward with this application prior the period of cross examining the other defendants and hence there is no prejudice would cause to the respondents by allowing this application.

11. Considering the nature of the suit and the plea taken by the parties, the opportunity is given to the petitioner to cross examine the Pw1. But this Court is of the view that since this is suit for partition which is pending for more than 10 years under the category of target cases, this Petition may be allowed only on condition to cross examine the Pw1 (if her presence is available) on the day fixed by the Court if any deviation this Petition will stand dismissed.

In the result, this Petition is allowed only on condition that the Petitioners have to cross examine the Pw1 (if her presence is available) on 11.11.2025 without fail, if any deviation, this Petition will stand dismissed. No cost. Call on 11.11.2025.

Dictated to typist, typed by her directly in computer, corrected and pronounced by me in open court on this the **04th** day of **November 2025**.

SUB JUDGE

LALGUDI.

List of Documents

Petitioner side witness and document - Nil

Respondents side witness and document - Nil

SUB JUDGE

LALGUDI.

Sub Court, Lalgudi

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Fair/ Draft Orders

