

IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.

PRESENT: Selvi.A.Keerthana, B.A., L.L.B.,
District Munsif, Ponneri.

Wednesday, the 10th day of September 2025.

I.A.No.14 and 15 of 2025

In

O.S. NO.58 of 2009

1. Selvi @ Selvanayagi
2. Balan @ Balakrishnan
3. Komalanathan (died)
4. K.Pangajavalli
5. K.Vimalanathan
6. K.Loganathan
7. K.Karthiyaini

..... Petitioners/Plaintiffs

Versus

1. Sarkunam
2. Palanivel (died)
3. Vijaya @ Vijayalakshmi
4. P.Nithyanandam

..... Respondents/Defendants

These petitions came up before me for final hearing on 09.09.2025 in the presence of Mr.R.Rajesh Khanna, Learned counsel for the petitioners/plaintiffs and Mr.A.Devendran, Learned counsel for the 1st Respondent. The Respondents 3 and 4 were set exparte in the suit and hence notice to them in this petition were dispensed with. Upon hearing both sides, on perusal of the material case records, this Petition and having stood over for consideration till this day, this Court delivers the following:

COMMON ORDER

1. **IA.14 of 2025**: This petition has been filed under Section 151 of Civil Procedure Code to reopen the evidence of petitioners side evidence closed on 29.08.2025 and to permit him to taking evidence and marking further document.

2. **IA.15 of 2025** : This petition has been filed under Order 18 Rule 17 and Section 151 of Civil Procedure Code to recall evidence closed on 29.08.2025 and examine the petitioners side as PW1 evidence.

3. **Brief averments of the affidavit filed by the petitioners are as follows:**

The petitioners are the plaintiffs in the suit. The petitioners submit that on 29.08.2025 when the case was posted plaintiffs side further evidence or additional proof the petitioner's counsel on record was admitted in hospital as in patient. The court had closed their side evidence suo motto. The petitioner was not cross examined by the other side. It is essential to reopen her side and she will be crossed by the other side. The petitioner have filed proof affidavit and marked the petitioner side documents Ex.A1 to A16 on 01.04.2025 as PW1. Hence, to reopen and recall the petitioner side for cross examination as PW1. If these petitions are not allowed, the petitioners will be put to irreparable loss and hardship. Hence this petition.

4. **Brief averments of the counter filed by the 1st respondent are as follows:**

The 1st respondent submits that the petitioner bears the primary responsibility to affix all relevant and necessary documents at the time of filing the plaint. The respondent states that the petitioner, despite having ample opportunity, deliberately failed to file the said documents, which clearly indicates a willful omission on the part of the petitioner. The allowing this application at this juncture would result in serious prejudice and hardship to the respondent. Hence to dismiss the application.

5. **Evidence :**

Neither the petitioners nor the respondents have placed any oral or documentary evidence before this court.

6. **Point for determination :**

Whether this petition can be allowed or not.

7. Discussion and findings :

The petitioners herein are the plaintiffs in the suit. It is the case of the petitioners that on 29.08.2025, the evidence on the side of the plaintiffs was closed by this Court for their failure to adduce further evidence. Hence, the plaintiffs have now filed the present applications seeking to recall PW1 and to reopen the case for that purpose. On perusal of the records, it is seen that the present petitions were soon thereafter filed on 02.09.2025, after closure of evidence on 29.08.2025, seeking the relief of recall and reopen. Considering the reasons stated by the petitioners and upon perusing the counter filed by the respondents/defendants, this Court, in the interest of justice, is inclined to allow the present applications, in order to given an opportunity to the plaintiff to conduct their case. However, taking into account the delay caused in the progress of the suit and considering the age of the suit, these petitions are allowed on following conditions.

8. RESULT :

IA.14 of 2025 : In the result, this petition is allowed subject to the condition that the petitioners shall pay a sum of Rs.500/- to the respondents on or before next hearing failure of which, this petition shall be dismissed automatically without any further orders.

IA.15 of 2025 :In the result, this petition is allowed subject to the condition that the petitioners shall pay a sum of Rs.500/- to the respondents on or before next hearing failure of which, this petition shall be dismissed automatically without any further orders.

Dictated by me to the stenographer, transcribed and typed by her, corrected and pronounced by me in the open court, on this the 10th day of September 2025.

District Munsif,
Ponneri.

Both side witnesses and documents:- NIL

District Munsif,
Ponneri.

Common Fair/ Draft Order
I.A.No.14 & 15/2025
O.S.No.58/2009
Date: 10.09.2025
DMC, PNI.