

IN THE COURT OF THE DISTRICT MUNSIF, TIRUTTANI

Present : Tmt. R.D. Gurulakshmi, M.A., M.L., P.G.D.I & C.L.,

District Munsif, Tiruttani.

Dated the Wednesday of 3rd Day of September 2025

I.A.No.10/2025 in OS.No.7/2024

(CNR.No.TNTR21-000007-2024)

...

Lakshmiyammal

...Petitioner/ Plaintiff

/Versus/

1. Krishnamoorhy

2. Vedhavalli @ Selvi

3. Jegan

... Respondents /Defendants

This petition came up before me for final hearing on 22.08.2025 in the presence of M/s.R. Rajeshwara Babu, M. Baskar, Advocates for Petitioner/Plaintiff, M/s. G. Abiraham, G. Mohan Ram, Advocates for 1st Respondent/1st Defendant, R2 exparty in main suit. M/s. V. Venkatesan, N. Balaji, P. Pichimani, Advocates for 3rd Respondent/3rd Defendant, R3 counter not filed, hence set exparty. Upon hearing both sides and having stood over for consideration till this day, this court delivered the following:

ORDER

This petition is filed under Order 18 Rule 17 of CPC to recall the PW1 evidence for marking of additional documents.

1. The averments of the petition in brief are as follows:-

The above suit is posted for Pw1 cross examination. The list of documents mentioned in the petition could not be filed at the time of filing suit. Some of the certified copy of documents were obtained from the Hon'ble Principal District Court, Tiruvallur. The document is the necessary document to prove the petitioner's case. The delay is neither willful nor wanton. These documents are essential document to prove the petitioner's case for complete adjudication. Hence, this petition is filed.

2. The counter filed on behalf of the 1st Respondent in brief:-

The petition is not maintainable either in law or on facts of the case. There are several chances given to the petitioner side but the petitioner wantonly fails to adduce

evidence. So the Pw1 evidence was closed. The document obtained through RTI is not proper to mark. The document should be supported by necessary application submitted by the petitioner. The document is not necessary to file at this stage. There is no proper delay are mentioned in this petition. No proper reasons were mentioned in this petition. Hence the petition has to be dismissed with costs.

3. Point for determination:

Whether the petitioner is entitled to the relief as sought for? or not?

4. Heard both sides. According to petitioner, the list of documents mentioned in petition could not be filed at the time of filing suit and some of the certified copy of documents were obtained from the Hon'ble Principal District Court, Tiruvallur. These documents are essential document to prove the petitioner's case for complete adjudication. Hence, the petitioner prays to allow this petition.

5. The 1st Respondent resisted the petition by contending that there were several chances given to the petitioner, but the petitioner wantonly fails to adduce evidence. So the Pw1 evidence was closed. The document obtained through RTI is not proper to mark. The document should be supported by necessary application submitted by the petitioner. The document is not necessary to file in this stage. Delay not properly mentioned in this petition. Hence the respondent prays to dismiss this petition.

6. On perusal of records, this case originally posted in the list on 02.04.2025. Plaintiff chief examined on 09.04.2025 and adjourned for further marking of documents. From 09.04.2025 to 24.07.2025 plaintiff not ready to furnish documents and chief continuation. Hence Pw1 chief closed on 24.07.2025. In this stage this petition filed seeking permission to recall the Pw1 for marking of additional documents. No reasons submitted by the petitioner for the delay in producing the documents and further chief examination. Even though considering the fact and circumstances of this case, to prevent multiplicity of proceedings, to provide the petitioners an opportunity to prove their case and for proper adjudication of the case, this petition has to be allowed on terms.

In the result, this petition is allowed on condition that the Petitioner has to pay a cost of Rs.1000/- to the 1st Respondent on or before 12.09.2025 failing which this petition stands dismissed. Call on 12.09.2025.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 3rd day of September 2025.

District Munsif,
Tiruttani.

Petitioner and Respondents side Exhibits and witness: NIL

District Munsif,
Tiruttani.