

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 Tuesday of 3rd Day of December 2024

I.A.No.4/2024 in OS.No.100/2014

(CNR.No.TNTR21-000059-2014)

...

1. Boopathy

2. Govindammal @ Devika

... Petitioner / 1,2 defendants

/Versus/

1. Rajeswari

2. Venkatapathy

..1,2 Respondents/ Plaintiffs

3. The Block Development Officer, Tiruttani

4. The Joint Director, District Rural Development Agency, Tiruvallur

5. The District Collector, Tiruvallur ... 3 to 5 Respondents/ 3 to 5 Defendants

This petition came up before me for the final hearing on 27.11.2024 in the presence of M/s.V. Venkatesan, N. Balaji, P. Pichaimani, Advocates for Petitioner/1,2 defendants, M/s. P.S. Shanmugam, Advocates for 1, 2 Respondents/Plaintiffs, 3 to 5 Respondents/3 to 5 Defendants exparty in suit. 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 of Dw1.

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

This case was posted for further Dws if any. The petitioner was already examined as Dw1 and now he wants to mark the guideline value of the suit property where the suit is not properly valued. The petitioner got the guideline value from the Sub-Registrar, Tiruttani and the same is to be marked through his evidence. Hence the petitioner has to recall himself and marking of the above said document. Therefore the petitioner filed this petition.

2. Memo filed by 1, 2 respondents adopting counter in IA.No.3/2024.

3. The counter filed on behalf of the 1,2Respondents in brief:-

This petition is not maintainable either in law or on facts of the case. This written statement was filed on 27.08.2014. There is no semblance of allegations

or pleadings about the suit is not properly valued, in the written statement. The suit had been pending for about 10 years. Pw1 and Pw2 were examined. Dw1 and Dw2 were examined both plaintiffs and defendants side evidence was closed and the case is posted to arguments. When the case was posted for arguments these applications were filed. It is the duty of the defendants to raise objection in the written statement, at the earliest point of time about the maintainability of the suit on the ground of the suit is not properly valued. Without pleadings no evidence could not be let in. The intention of the petitioners/ defendants is to drag upon the proceedings. There is no bonafide merits in the petition. Hence these petitions have to be dismiss.

4. **Point for determination:**

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

5. According to petitioner, the petitioner wants to mark the guideline value of the suit property regarding the suit is not properly valued. The petitioner got the guideline value from the Sub-Registrar, Tiruttani and the same is to be marked through his evidence. Hence he prays to allow these petition. 1,2 Respondents resisted the petition by contending that at the time of the case was posted for arguments these applications were filed. It is the duty of the defendants to raise objection in the written statement at the earliest point of time. Without pleadings no evidence could not be let in. The intention of the petitioners/ defendants is to drag upon the proceedings. Hence they prays to dismiss this petition.

6. Heard both sides. On perusal of record, additional issues were framed and the case was posted for further Defendant side witness if any. At this stage petitioner filed these petitions to recall the Dw1 for marking the document. The main objection of the respondents is that the intention of the petitioners/ defendants is to drag upon the proceedings. Hence, this court is of view that in the interest of justice, to prevent multiplicity of proceedings, to provide the petitioner an opportunity to prove their case and for proper adjudication of the case, this petition has to be allowed on costs.

In the result, this petition is allowed on condition that the petitioners have to pay a cost of Rs.500/- to the respondents on or before 11.12.2024 failing which this petition stands dismissed. Call on 11.12.2024.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 3rd day of December 2024.

Sd/- R.D. Gurulakshmi
03.12.2024
District Munsif,
Tiruttani.

Petitioner and Respondents side Exhibits and witness: NIL

Sd/- R.D. Gurulakshmi
03.12.2024
District Munsif,
Tiruttani.