

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 20th Day of August 2025
I.A.No.7/2025 in OS.No.12/2020
(CNR.No.TNTR21-000021-2020)

...

M. Thulasi

...Petitioner/Defendant

/Versus/

1. Venkatesan

2. Radha

...Respondents/Plaintiffs

This petition came up before me for final hearing on 08.08.2025 in the presence of M/s. B. Krishnakumar, Counsel for Petitioner/ Defendant, M/s. V. Venkatesan, N. Balaji, P. Pichimani, Counsels for Respondents/Plaintiffs. 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 Dw1 for cross examination.

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

This suit is filed for declaration against the defendants. The suit property is petitioner's self acquired property and the petitioner is the absolute owner of the suit property. The suit is posted for defendants side evidence. The Dw1 was examined in chief. But the cross on the petitioner side could not be done and the Dw1 cross closed. Dw2 was examined in chief. The opportunity for full fledged trial has not been provided and it goes as against the legal phrase equity, good conscious and natural justice besides denying the legal Dictum ADI ALTEM PARTEM. The remedy to vitiate the bone of contents of written statement will then only be brought to justice. Therefore the cross of Dw1 is not done, the entire trial will become biased and unilateral and the abodes of justice will be denied and prejudice one. It is very much expedient that the evidence of Dw1 has got to be recalled for cross examination

by the petitioner's side and to accomplish the proper and complete adjudication of the matter. Hence, this petition is filed.

2. The counter filed on behalf of the s in brief:-

The petition is not maintainable either in law or on facts of the case. The defendant filed the petition to recall the witness after examining Pw1 and Pw2 which is belated one and dragging on the proceedings of the above case. The petitioner filed this petition without the bonafide reasons for the delay in filing the above petition. Hence the petition is liable to be dismissed.

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 suit is posted for defendants side evidence. The Dw1 was examined in chief but the cross on the petitioner side could not be done and the cross of Dw1 was closed. It is very much expedient that the evidence of Dw1 has got to be recalled for cross examination by the petitioner's side and to accomplish the proper and complete adjudication of the matter. Hence the petitioner prays to recall the Dw1 evidence for cross examination.

5. The Respondents resisted the petition by contending that the petition is belated one and dragging on the proceedings of the above case. The petitioner filed this petition without any bonafide reasons for the delay in filing the above petition. Hence the respondents prays to dismiss this petition.

6. On perusal of records, at the stage of cross of Dw2 this petition was filed. In this case Dw1 examined in chief on 13.02.2025 and further examined on 20.03.2025. This case was adjourned from 27.03.2025 to 16.04.2025 for Dw1 cross examination. Since the petitioner not ready for cross, cross of Dw1 closed on 16.04.2025. In spite of sufficient opportunity given to the petitioner she was not ready to proceed the case. Hence cross of Dw1 closed.

7. There is no valid reasons shown in this petition. The main objection of the respondent is that this petition is belated one and dragging on the proceedings. Considering the facts and circumstances of this case, this court is of view that in the

interest of justice to provide the petitioner an opportunity to prove her case, this petition has to be allowed on terms.

In the result, this petition is allowed on condition that the Petitioners have to pay a cost of Rs.1000/- to the Respondents on or before 28.08.2025 failing which this petition stands dismissed. Call on 28.08.2025.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 20th day of August 2025.

District Munsif,
Tiruttani.

Petitioner and Respondents side Exhibits and witness: NIL

District Munsif,
Tiruttani.