

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 28th Day of January 2026

I.A.No.10/2026 in OS.No.29/2024

(CNR.No.TNTR21-000039-2024)

...

1. D. Kandan

2. D. Sekar

... Petitioners/Defendants

/Versus/

1. V. Lakshmi

2. Narayanasamy

3. V. Kannaki

4. V. Prasanth

5. V. Hariharan

6. V. Ramya

7. V. Karpagam

8. V. Desammal

... Respondents/Plaintiffs

This petition came up before me for the final hearing on 19.01.2026 in the presence of M/s.S.Karthikeyan, E. Thanigairaj, Advocates for Petitioners/Defendants, M/s. C.A. Natarajan, Advocate for Respondents/Plaintiffs. Upon hearing both sides and having stood over for consideration till this day, this court delivered the following:

ORDER

The petition is filed by the petitioner under Order 18 Rule 17 of CPC to recall the Pw1 for cross.

1. **Petition averments in brief:-**

In the above case the proof affidavit of Pw1 filed on 10.07.2025. Due to non cross examination on the side of defendant, the Pw1 cross closed on 18.08.2025. The Pw1 is the main witness and Pw1 has suppressed the real and actual case. Hence the petitioners have to cross examine to prove their case. The petitioners have good case on merits. The respondent/plaintiffs approached this court with unclean hand. Hence the petitioners filed this petition.

2. **Counter filed on behalf of the respondent in brief:-**

The petition is not maintainable either in law or on merits. The allegations in para 3 of the affidavit are all not fully correct. The petitioners had no documents to prove their case. After suit they manipulated some revenue records and then only petitioner filed additional written statement which are not valid in law and bind on the respondents. Already the petitioners filed reopen and recall petitions which were allowed on cost. Now this petition which is not valid in law. There is no bonafide merits in this petition to reopen for the 2nd time. Hence, this petition has to be dismissed with costs.

3. **Point for determination:-**

Whether the petitioners are entitled to the relief as sought for or not?

4. Heard both sides. According to the petitioner, due to non cross examination on the side of petitioner/defendant, the Pw1 cross closed on 18.08.2025. The Pw1 has suppressed the real and actual case. Hence the petitioners have to cross examine the Pw1 to prove their case. Therefore the Counsel for petitioners prays to allow the petition. Respondents resisted the petition by contending that there is no bonafide merits in this petition. This petitioners filed this petition to prolong this matter. Hence, the Counsel for respondent prays to dismiss the petition with costs.

5. In the stage of argument this petitioners filed these petitions to reopen and recall the Pw1. In this case Pw1 examined in chief on 17.06.2025. Pw1 chief examination completed on 10.07.2025. From 10.07.2025 to 18.08.2025 this case adjourned for Pw1 cross. On 18.07.2025, 24.07.2025, 06.08.2025, 18.08.2025 petitioners not ready to cross examine the Pw1. Hence Pw1 cross examination closed on 18.08.2025. Further Pw2 examined in chief on 01.09.2025 and cross examined on 18.09.2025. From 25.09.2025 to 06.11.2025 this case adjourned for defendant side evidence. Petitioner/defendant not ready to let evidence. Hence Petitioner/defendant side evidence closed on 16.11.2025.

6. Thereafter at the time of argument this petitioners filed petitions to reopen and receive the additional written statement in IA.No.7/2025 and IA.No.8/2025 and the same were allowed on 01.12.2025. On 15.12.2025 additional

issues were framed. In this stage of argument petitioner filed these petitions. There is no reasons stated for delay in filing these petition. Even though considering the facts and circumstances, this court is of view that an opportunity has to be given to the petitioner to prove his case, to prevent multiplicity of proceedings 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 petitioners have to pay a cost of Rs.1000/- to the respondents on or before 04.02.2026 failing which this petition stands dismissed. Call on 04.02.2026.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 28th day of January 2026.

District Munsif,
Tiruttani.

Petitioners & Respondents side Exhibits and Witnesses:- Nil

District Munsif,
Tiruttani.