

**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 Saturday of 2<sup>nd</sup> Day of August 2025

I.A.No.5/2025 in OS.No.41/2018

(CNR.No.TNTR21-000045-2016)

...

1. A.J. Durai (died)

2. D. Vanitha

3. D. Raja

4. D. Prasanth

5. D. Prabu

...Petitioners /Defendants

/Versus/

G. Chinnarajan

...Respondent/Plaintiff

This petition came up before me for final hearing on 28.07.2025 in the presence of M/s. E. Shamu Counsel for Petitioners/ Defendants, M/s. C.A. Natarajan, Counsel for Respondent/Plaintiff. 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 for cross examination.

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

Due to lack of proper enquiry of PW1 in the cross examination on 07.04.2021. The petitioners recently changed their previous counsel. The petitioners came to know that their previous counsel omitted some questions which is to prone in their case. Hence the petitioners filed petition to recall the Pw1 evidence for cross examination. Hence, this petition is filed.

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

The petition is not maintainable either in law or on facts of the case. The previous counsel fully cross examined Pw1. So there is no ambiguity over the said cross and Pw1 is not necessary to recall. There is no banofide merits in this petition. Hence the petition is liable to be dismissed.

**3. Point for determination:**

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

According to petitioners, their previous counsel omitted some questions which is to prone in their case. Hence the petitioners prays to recall the Pw1 evidence for cross examination. The Respondent resisted the petition by contending that the previous counsel fully cross examined Pw1. So there is no ambiguity over the said cross and Pw1 is not necessary to reopen. There is no bonafide merits in this petition. Hence the respondent prays to dismiss this petition.

5. Heard both sides. On perusal of records, at the stage of defendant side evidence this petition was filed. In this case Pw1 Chief on 20.12.2019 and posted for cross of PW1. From 21.12.2019 to 13.08.2021 this case adjourned for cross of Pw1. Further from 13.08.2021 to 09.01.2024 this case adjourned for impleading the legalheris of deceased D1. Once again 24.01.2024 to 06.03.2025 this case adjourned for Pw1 cross continuation. Since the defendant not ready for cross, cross continuation of Pw1 closed on 06.03.2025. In spite of sufficient opportunity given to the petitioners they were not ready to conduct the case. Hence cross continuation of Pw1 closed after lapse of four years. Without any valid reasons petitioner filed this petition. The main objection of the respondent is that this petition is no bonafide one and has no merits. Considering the facts and circumstances of this case, this court is of view that in the interest of justice to provide the petitioners an opportunity to prove their 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.500/- to the Respondent on or before 08.08.2025 failing which this petition stands dismissed. Call on 08.08.2025.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 2<sup>nd</sup> day of August 2025.

District Munsif,  
Tiruttani.

Petitioners and Respondent side Exhibits and witness: NIL

District Munsif,  
Tiruttani.