

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 4th Day of August 2026

I.A.No.6/2026 in OS.No.10/2022

(CNR.No.TNTR21-000018-2022)

...

1. Janani

2. Neha.U

... Petitioners/3,4 defendants

/Versus/

1. K. Gnanasekar Naidu

2. K. Gunasekar Naidu

... 1,2 Respondents/Plaintiffs

3. K. Thulasi Anjaneyalu

4. K. Damayanthi

... 3,4 Respondents/1,2 Defendants

This petition came up before me for the final hearing on 27.07.2026 in the presence of M/s. A. Mohan, P. Praveena, Advocates for Petitioners/3,4 defendants, M/s. C.A. Natarajan, Advocate for 1,2 Respondents/Plaintiffs. M/s. R. Sreenivasan, R. Rajeshwara Babu, S. Thulasiammal, S.V. Sandhya, P. Praveena, Advocates for 4th Respondent/2nd Defendant, R3 / D1 set exparty in main suit. Upon hearing both side and having stood over for consideration till this day, this court delivered the following:

ORDER

This petition is filed under Section 151 of CPC to reopen the plaintiff side evidence for cross examination of Pw1.

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

The petitioners were impleaded as defendants No.3 and 4. The 1st petitioner has cross examined the Pw2 fully. Now the case was posted for defendants side evidence. Hence the petitioners unable to cross examination the Pw1. If the petitioners have not cross examine the Pw1, the petitioners will be put to irreparable loss and injury. Hence this petition.

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

(a) This petition is not maintainable either in law or on facts of the case. The allegations in para 2 of the affidavit that they were impleaded as parties and so they could not able to cross Pw1 is not fully correct. Because already her mother D2 cross

examined in full. This petition is unnecessary and no bonafide merits to reopen this case. Therefore this petition has to be dismissed with cost.

3. Point for determination:

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

4. Heard both sides. According to petitioners, the petitioners were impleaded as defendants No.3 and 4. Therefore the petitioners unable to cross examination the Pw1. Hence, the counsel for petitioners prays to allow this petition. The 1,2 Respondents resisted the petition by contending that this petition is unnecessary and no bonafide merits to reopen this case. Hence the counsel for 1,2 respondents prays to dismiss this petition.

5. On perusal of records, the above case was originally filed against first and second defendants. suit posted in the special list on 03.10.2024 and on the same day Pw1 examined in chief and Ex.A1 to Ex.A5 were marked. On 18.02.2025 Pw1 cross examined in full on the side of 2nd defendant. On 26.03.2025 Pw2 examined in chief and adjourned for cross examination of Pw2. At this stage petition in IA.No.3/2025 under order 1 rule 10 (2) CPC filed to implead the petitioners as 3,4 defendants and the same was allowed on 02.09.2025. In this stage of Plaintiffs side further evidence this petition filed seeking permission to reopen the plaintiff side evidence to recall the Pw1 for further cross examination. Considering the facts and circumstances, this court is of view that an opportunity has to be given to the petitioners to prove their case. To prevent multiplicity of proceedings and for proper adjudication of the case, this petition has to be allowed.

In the result, this petition is allowed. No cost.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 3rd day of August 2026.

District Munsif,
Tiruttani.

Petitioners and Respondents side Exhibits and witness: NIL

District Munsif,
Tiruttani.