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 26ᵗʰ Day of August 2025

I.A.No.6/2025 in OS.No.35/2015

(CNR.No.TNTR21-000060-2015)

...

Ankaiah   ... Petitioner/ Plaintiff

/Versus/

K. Anjaneyan   ... Respondent/ Defendant

This petition came up before me for the final hearing on 19.08.2025 in the presence of M/s. V.S.Velayudham, L. Sudhapriyan, Advocates for Petitioner/Plaintiff, M/s. V. Kishore Reddy, R. Vijayakumar, A.Akila, Advocates 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 to give evidence for marking of additional document.

1. **Petition averments in brief are as follows:-**

This case is posted for additional evidence on the petitioner's side. The petitioner is ready to give additional evidences along with documents. The petitioner's counsel was held up and engaged in Sub Court cases and he also requested another Advocate to represent and pass over the petitioner's case. The petitioner have to give additional evidence. The petitioner's counsel also gave additional chief affidavit and copy of petition to receive additional documents to the defendant/respondent's counsel. Due to inadvertence the counsel was failed to represent the case in call work, this case was posted on 30.07.2025 as already sufficient time granted, plaintiff not turned up plaintiff side evidence is closed. The petitioner is ready to give additional evidence based on new framing of issue in the above suit which is essential to prove his case. Hence the above case may be

reopened for additional evidence of plaintiff's side. No prejudice will be caused to other side if this petition is allowed. Hence, this petition.

2. <u>The counter averments in brief are as follows:-</u>

The petition is not maintainable at this stage since the petitioner has already argued in the above suit long back i.e., 09.04.2025. The additional issues were framed on 03.07.2025. Now the petitioner has come forward with this petition to drag on the proceedings. There is no bonafide merits in this petition. Hence this petition is liable to be dismissed.

3. <u>Point for determination:-</u>

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

4. Heard both side. According to petitioner, due to inadvertence this case, petitioner side additional evidence closed and this case was posted on 30.07.2025 for further cross of Pw1. The petitioner is ready to give additional evidence on his evidence based on new framing of issue in the above suit which is essential to prove his case. Hence the petitioner prays to allow this petition. The respondent herein objected the petition stating that the petitioner has come forward with this petition to drag on the proceedings. There is no bonafide merits in this petition. Hence the respondent prays to dismiss the petition.

5. On perusal of records, this suit is filed in the year 2015. The suit is posted for argument. In this state the petitioner filed this petition seeking permission to recall the Pw1 evidence for receiving additional documents. No valuable reasons stated in this petition for the delay. Under the facts and circumstances of the case, this court is of view that in the interest of justice to provide petitioner an opportunity to prove his case and for proper adjudication of the case, to prevent multiplicity of proceedings, this petition has to be allowed on terms.

In the result, this petition is allowed on condition that the petitioner has to pay a cost of Rs.500/- to the respondent on or before 01.09.2025 failing which this petition stands dismissed. Call on 01.09.2025.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 26th day of August 2025.

<div align="right">

District Munsif,
Tiruttani.

</div>

Petitioner and Respondent side Exhibits and witness: NIL

<div align="right">

District Munsif,
Tiruttani.

</div>