

**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 Friday of 10<sup>th</sup> Day of January 2025  
I.A.No.6/2024 in OS.No.85/2018  
(CNR.No.TNTR21-000094-2018)

...

1. Killiammal (died)  
2. Eswari @ Devi  
3. Karunakaran

...Petitioners / 1 to 3 Defendants

/Versus/

1. Periabban

...1st Respondent /Plaintiff

2. Tamil Nadu State, The District collector, Tiruvallur  
5. The Tahsildar, Tiruttani  
6. The Revenue Divisional Officer, Tiruttani  
7. The Sub-Registrar, Tiruvelangadu

This petition came up before me for final hearing on today in the presence of M/s. R. Rajeshwara Babu, P. Praveena, S.V. Sandhya, Counsels for Petitioners/ 1 to 3 Defendants, 1<sup>st</sup> petitioner died, M/s. P.C. Santhya Rani, B. Chandrean, S. Swarnalatha, Advocates for 1st Respondent/ Plaintiff, Government Pleader appeared for R2 to R7. 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 receiving additional documents.

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

This case was posted for defendant side evidence. The petitioner filed documents in OS.86/2024 and he applied for certified copy. Some documents are misplaced. Hence the delay is neither willful nor wanton. Hence the petitioner may be permitted to recall Pw1 for marking of documents. Hence, this petition is filed.

**2. The counter filed on behalf of the 1<sup>st</sup> Respondent in brief:-**

The petition is not maintainable either in law or on facts of the case. The petition is highly belated and there is to confidants in the petition. The petitioner only

to drag on the proceedings filed the above petition very belatedly. The plaintiff side evidence closed on 21.08.2024. From that date onwards several hearing was given for defendant side evidence. In spite of that the defendants did not choose to examine their evidence. Hence this court closed evidence on their side. There is no merit in this petition. Hence the petition has to be dismissed.

**3. Point for determination:**

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

4. According to petitioner, the petitioner filed a document in OS.86/2024 and he applied for certified copy. Some documents are misplaced. Hence, the petitioner prays to allow this petition. The 1<sup>st</sup> Respondent resisted the petition by contending that the petitioner filed this petition only to drag on the proceedings. The plaintiff side evidence closed on 21.08.2024. From that date onwards several hearing was given for defendant side evidence. In spite of that the defendants did not choose to examine their evidence. Hence this court closed evidence on their side. There is no merit in this petition. Hence prays to dismiss this petition.

5. Heard both sides. This petition filed by the petitioner seeking permission to recall the pw1 for receiving additional documents. Even though considering the fact and circumstances of this case, to prevent multiplicity of proceedings, to provide the petitioners an opportunity to prove their case and for proper adjudication of the case, this petition has to be allowed on costs.

In the result, this petition allowed on condition that the Petitioners have to pay a sum of Rs.1000/- to the 1<sup>st</sup> respondent/plaintiff on or before 20.01.2025 failing which this petition stands dismissed. Call on 20.01.2025.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 10<sup>th</sup> day of January 2025.

Sd/-R.D. Gurulakshmi  
10.01.2025  
District Munsif,  
Tiruttani.

Petitioners and Respondent side Exhibits and witness: NIL

Sd/-R.D. Gurulakshmi  
10.01.2025  
District Munsif,  
Tiruttani.