

**BEFORE THE ADDITIONAL SUB-ORDINATE COURT, TENKASI**

Present: **Thiru. S. MURUGAVEL, B.A., B.L,**  
Secretary, District Legal Services Authority  
(Additional Sub-ordinate Judge, Tenkasi (FAC))

*Second day of April 2026, Thursday*

I.A.No. 10 of 2026  
in  
O.S.No. 224 of 2019

1. Arulmighu. Kilikoottu Karuppan,  
Raja Rajathi Amman kovil,  
Komarathars Charitable Trust,  
Rep by its President M.Subramaniam  
and 2 others

...Petitioners/Plaintiffs

-Vs-

1. M. Shanmugaraj @ Raj  
2. Chandra

... Respondents/Defendants

This Petition came up final hearing on 25.03.2026 in the presence of Thiru.Natarajan, Advocate is appearing for the Petitioners/Plaintiffs, Thiru.S.Pandiarajan, Advocate is appearing for the Respondents/Defendants, after hearing the both sides submissions and upon perusing relevant records and having stood over the evidence till the day, this court delivering the following,

**Order**

1. This Petition has filed by the Petitioners/Plaintiffs under Order 18 Rule 17 of C.P.C to recall the PW1 to mark the document.

**2. Brief facts of the Petitioners/Plaintiff's averments in Petition;**

The Petitioners are Plaintiffs in the suit proceedings. The Komarathars Charitable trust created for welfare of the Petitioners/Plaintiffs and their people. At the time of the filing suit, the resolution copy has not been filed and the Respondents/Defendants side raised objection that without any resolution copy, the Petitioner/Plaintiffs cannot be proceed the suit. It is curable defect and to mark the same, it is necessary to recall the PW1 to mark the document on the Petitioners/Plaintiffs side evidence. They prayed that this Petition may be allowed.

**3. Brief facts of the Respondents/ Defendant's counter statement;**

The Respondents/Defendants are denied the various allegations contained in the Petition and the facts contained in affidavit of Petitioners/Plaintiffs are utterly false. If the Petitioners/Plaintiffs having the said resolution copy, it can be filed at the time of the suit and during the cross examination, the PW1 was not stated about non-production of the same. Further, the said resolution is created for the pending suit purpose and the reason stated in the affidavit is not acceptable and they prayed that this petition is dismissed with costs.

**4. To determine the Petition the question arose that whether the Petitioners/Plaintiffs is satisfactorily explained the sufficient to allow this Petition?**

Both sides were neither witness examined nor document marked.

5. Heard both sides and perused all relevant documents to this Petition. This Petition filed by the Petitioners/Plaintiffs under Order 18 Rule 17 of C.P.C to recall the PW1 to mark the document. The learned counsel for Petitioners/Plaintiffs would submit that it is necessary to mark the resolution copy as document and he prayed that this Petition may be allowed. The learned counsel for Respondents/Defendants would

submit that the reason for to recall the PW1 is not properly explained and the resolution created for the purpose of the suit and he prayed that this Petition may be dismissed.

6. The suit filed by the Petitioners/Plaintiffs and both sides evidences were recorded. Now, the suit is posted for final arguments and in this stage, this Petition filed to recall the PW1 on the Petitioners/Plaintiffs side to mark copy of the resolution. According to the Petitioners/Plaintiffs is that at the time of filing suit, the copy of the resolution was not filed and the Respondents/Defendants side raised objection about non-production of resolution as suit is not maintainable. As per the Petitioners/Plaintiffs is that it a curable defect and it can be produced at the proceedings of the suit. In the other hand, the Respondents/Defendants side raised objection that at the time of PW1 and during trial, the resolution was not produced and it is created for the purpose of this suit by forged and it is can't be received and the reasons stated in the affidavit are not acceptable. Admittedly, the copy of the resolution in respect of Komarathars not yet produced during the trial. After that the suit is posted for final arguments, in this stage this petition filed to reopen their side to mark the said resolution. As per the Petitioners/Plaintiffs is that it is a curable defect. In the mean while, the Petitioners/Plaintiffs side failed to explain that non-production of the said resolution till the stage arguments. Even though, it is a curable defect, it can be received any stage of the suit. Now, the suit is posted for final arguments and without the said resolution, the Petitioners/Plaintiffs side may not succeed the suit. The copy of the resolution filed in belated stage and it can be received and to mark the same, it is necessary to recall the PW1 and this Petition is necessary to allow.

In the result, this Petition filed by the Petitioners/Plaintiffs is allowed with condition that to pay sum of Rs.1000/- (One thousand rupees) as costs payable to the

Respondents/Defendants on or before 10.04.2026, failing which this Petition shall stand dismissed automatically.

This order is typed in my laptop and correction made by me and delivered in open court on 2<sup>nd</sup> day of April 2026.

Additional Sub-Ordinate Judge, (FAC)  
Tenkasi

**The Petitioners/Plaintiffs side witnesses: Nil**

**The Respondents/Defendants side witnesses: Nil**

**The Petitioners/Plaintiffs side witnesses: Nil**

**The Respondents/Defendants side Documents: Nil**

Additional Sub-Ordinate Judge, (FAC)  
Tenkasi

Additional Sub Court, Tenkasi,  
I.A.No.10/2026 in OS.No.224/2019

Fair/Draft Order.

02.04.2026.