

**In the Court of the II Additional District Judge, Thoothukudi.**

**Present: Tmt. M.Breetha, M.L.,**

**II Additional District Judge, Thoothukudi.**

**Saturday, the 01<sup>st</sup> day of August 2026**

**I.A. No. 8/2026 and I.A. No. 9/2026**

**in**

**O.S. No. 179/2021**

Arulmigu Sri Perumal Deivam

Rajamanniyapuram, Arumuganeri

Rep. by its Devotees S.Palanivel Nadar and

R. Shanmugasundaram Nadar

(Rep. by Devotees himself and Other Devotees)

**...Petitioner/Plaintiff**

**..Vs..**

1. Vijayalakshmi

2. Mahalakshmi

3. Dhanalakshmi

**...Respondents /Defendants**

This petition came on 28.07.2026 for final hearing before this court in the presence of Advocate Thiru.P.Swamy Ayyah, for the petitioner and Advocate Thiru.B.Raja Rathnakar, for the respondents 1, 3 and upon hearing the arguments on both sides and having stood over for consideration till this day, this court delivered the following:

### **COMMON ORDER**

#### **1) I.A. No. 8/2026:**

This petition is filed by the petitioner/plaintiff in the main suit under section 151 of C.P.C. to reopen the case for cross examination of DW1.

**I.A. No. 9/2026:**

This petition is filed by the petitioners/plaintiffs in the main suit under Order 18 Rule 17 of C.P.C. and Section 151 to recall DW1 for further cross examination.

**2) Brief averments of the petitions and affidavits:**

The petitioner is the plaintiff in the suit and that the suit has been posted for arguments and has averred that during the cross-examination of DW1, some important questions are left to be put forth by the counsel for the plaintiffs and that it is just and necessary to cross examine DW1 and therefore, it is just and necessary to reopen the case and to recall DW1 for further cross examination and hence, constrained to file these petitions to reopen the case and to recall DW1 and prays to allow the same.

**3. Contentions of the counter filed by the 1<sup>st</sup> respondent:**

The 1<sup>st</sup> respondent has denied all the averments made in the petition and has contended that the main suit is five years old and that the reasons stated by the petitioner is not acceptable and that this petition has been filed to protract the proceedings and that the relief sought for by the petitioner to recall DW1 is not maintainable and prays for dismissal of the petition with costs.

**4. Point for consideration:-**

- (1) Whether these petitions can be allowed or not?

**Point No.1:-**

5. Both sides are heard. Records have been perused. The petitioner is the plaintiff in the main suit. The respondents are the defendants in the main suit.

6. The main suit has been filed by plaintiff seeking declaration of title over the plaint scheduled property and for permanent injunction and to declare the sale deed

executed by the defendants as null and void. The case stood posted for arguments. At this stage, the petitioner/plaintiff has come forward with these applications to reopen the case and to recall D.W.1 for further cross examination. Being the plaintiff, this Court is of the view that the petitioner/plaintiff has got legal bounden duty to prove his case through satisfactory oral and documentary evidence. Therefore, this Court is of the view that the petitioner shall be granted opportunity to cross examine DW1. But at the same time, while considering the hardships caused to the respondents, this court is of the view that the hardships shall be compensated in terms of costs.

7. For the above said reasons and in the interest of justice, this petition stands allowed with conditions.

**In the result,**

**I.A. No. 08/2026 :** This petition is allowed on condition that the petitioner shall pay a cost of Rs.1000/- (Rupees One Thousand only) to the respondents 1 and 3 on or before 08.08.2026; failing which, this petition stands dismissed automatically. Call on 08.08.2026.

**I.A. No. 09/2026 :** This petition is allowed on condition that the petitioner shall pay a cost of Rs.1000/- (Rupees One Thousand only) to the respondents 1 and 3 on or before 08.08.2026; failing which, this petition stands dismissed automatically. Call on 08.08.2026.

This order is dictated by me to the stenographer and typed by her, in the computer and corrected by me and pronounced in the open court in this 01<sup>st</sup> day of August 2026.

II Additional District Judge,  
Thoothukudi.

**Petitioner side witnesses:- Nil**

**Respondents side witnesses:- Nil**

**Petitioner side documents:- Nil**

**Respondents side documents:- Nil**

**II Additional District Judge,  
Thoothukudi.**

**II ADJ, Thoothukudi  
Draft/Fair  
Common Order  
I.A. No.8/2026 and  
I.A. No.9/2026  
in  
O.S. No.179/2021  
Dated: 01.08.2026**