

**IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE (FTC),
VELLORE, VELLORE DISTRICT.**

**PRESENT: Thiru.P.V.Sandilyan, M.L.,
Additional District Judge (FTC), Vellore.**

Tuesday, the 9th day of December, 2025

I.A. No.8/2025 in O.S. No.54/2016

1. Abrar Ahamed
2. Yasmeen
3. Asfiya
4. Farooque Ahmed (Died) . . . Petitioners/Defendants 1, 3 to 5

Versus

1. Shamshad Begum . . . I Respondent/Plaintiff
2. Hajira Nasreen . . . II Respondent/II Defendant

This petition came up before this court for final hearing on 01.12.2025, in the presence of Tr.S.Babu, Counsel for the Petitioners 1 to 3, Tr.K.Umar, Counsel for the 1st Respondent and Tr.C.Kannan, Counsel for the 2nd Respondent and the 4th Petitioner was died and upon hearing the arguments of both sides, upon perusal of case records and having stood over for consideration till this date, this court delivers the following:-

ORDER

This petition has been filed by the petitioners under Section 151 of C.P.C. to reopen the plaintiff side evidence.

2. The averments of the affidavit are as follows:-

The petitioner is the first defendant in the original suit. The other petitioners are the defendants 3 to 5. The suit had been posted for final arguments, and while preparing for the same, they noticed that certain crucial facts necessary for their defense were not properly elicited during the cross-examination of PW1/plaintiff. They explained that these missed facts were essential to establish the true nature of the case and support their defense. They further mentioned that the failure to cross-examine PW1 on those vital aspects was neither due to negligence nor deliberate omission, but those facts became evident only after a detailed scrutiny of the case records during preparation for final arguments. The petitioner emphasized that the said facts were important for the fair determination of the suit and that cross-examination on those points would cause serious prejudice to them. They clarified that they had no intention of delaying the proceedings but argued that, in the interest of justice and proper adjudication, PW1 should be recalled for further cross-examination on those inadvertently omitted facts. They concluded that recalling PW1 would ensure that all relevant and material facts were brought on record for the court to arrive at a just decision. Therefore, they prayed to reopen the plaintiff side evidence.

3. The brief averments of the Counter objection filed by the 1st respondent are as follows:-

3.1 This petition is not at all sustainable either in law and on facts. The respondent submitted that the petitioners had already cross examined PW1 on multiple occasions, including on 01.02.2023, 19.06.2023 and 16.08.2023, yet they had again filed another petition seeking further cross-examination. It was mentioned that the petitioners failed to provide any reason in their affidavit to justify the necessity of recalling PW1. The petitioners had not filed any evidence on their side, though the cross-examination of DW1 was completed on 08.08.2024. Despite almost 30 hearings and a delay of 15 months, the petitioners continued dragging the proceedings without adducing evidence.

3.2 The respondent pointed out that the matter was now posted for final arguments and argued that unless the petitioners showed a valid reason, they could not seek the recall of PW1. It was further alleged that the petitioners were colluding with the other defendants and attempting to grab the respondents' property. Therefore, prayed to dismiss the petition with the exemplary cost.

4. There is no oral and documentary evidence on both sides.

*5. The point for consideration in this petition is, **whether this petition is to be allowed or not?***

6. Point:-

Since the petition in I.A. No.7/2025 to recall the P.W.1 for further cross examination is dismissed, this consequential petition for reopen plaintiff's side evidence for further cross examination is also dismissed.

In the result, this petition is dismissed. No costs.

Dictated to the Steno-Typist, transcribed by him, corrected and pronounced by me in the Open Court, on this the 9th day of December, 2025.

**Additional District Judge (FTC),
Vellore.**

Both side Witnesses and Exhibits:- - NIL -

**Additional District Judge (FTC),
Vellore.**