

IN THE COURT OF DISTRICT MUNSIF, KATPADI, VELLORE DISTRICT
PRESENT: THIRU. K.VENKATESAN, B.A., B.L.,
DISTRICT MUNSIF, KATPADI.

Thursday, this the 24th Day of October – 2024

I.A.No. 03 of 2024
In
O.S.No. 26 of 2021
(CNR.No.TNVL23-000051-2021)

P.Mathiyzhagan

.....Petitioner/Plaintiff

-Vs-

1. Maalini
2. Santhosh Kumar
3. Santhi
4. Geetha

...Respondents/Defendants

This petition has come up today before this Court for orders, and upon hearing the enquiry of Thiru. G.Peranban, the Counsel for the Petitioner, and Respondents- 1 to 3 and they were called absent in main suit itself and Respondent-4 not filed her counter and she was called absent and set exparte, and upon perusing the petition, and the case records, and having stood over for consideration till this date, this Court delivers the following:-

ORDER

This petition has been filed by the petitioner/Plaintiff under Order 18 Rule 17 and Section 151 of Civil Procedure Code, to re-call the P.W-1 and to re-examine the P.W-1.

Records perused. This petition has been filed by the plaintiff to recall the P.W-1 to rectify the mistake and in the petition affidavit, it is stated by the petitioner/plaintiff that in the course of Trial, he marked exhibits to prove his case whereas the Ex.A-4 marked the computerized 'A' Register standing in the name of the plaintiff over the suit property, and unfortunately it was named as patta instead of 'A' Register in his proof affidavit.

On receipt of notices, the respondent have not filed their counter even after giving sufficient time. On careful perusal of records, it is seen from the plaint, in the list of document No.4 is mentioned as computerized patta standing in the name of plaintiff dated 18.04.2018 and the plaintiff also has examined himself as P.W-1 by way of filing proof affidavit in English wherein para 10 and in the list of document No.4 mentioned the same computerized patta standing in the name of plaintiff dated 18.4.2024, and it is apposite to note that this Court also marked the said document as Ex.A-4 which is online printout attested copy of computerized patta stand in the name of plaintiff in respect of suit property, dated 18.4.2024.

From the above facts, it is evident that there is no mistake has committed by plaintiff while filing the plaint and in his evidence (proof affidavit) as well as Court and moreover, already PW-1 evidence was closed on 8.11.2023 only after due cross examination by other side and there is no discrepancy (or) dispute was raised on the Ex.A-4 by the defendant in this case. It is imperative to mention

that this petition to recall PW-1 has been filed without reopen petition. Considering the above all discussions, and in the interest of Justice, this petition has no merits and this Court is not inclined to recall the PW-1 as no such mistake is allegedly occurred. In the result, this petition is dismissed. No costs.

Pronounced by me in the open court, this the 24th day of October 2024.

(Sd/-).. K.Venkatesan
DISTRICT MUNSIF
KATPADI