

In the Court of the Principal District Judge, Thoothukudi.

Present : Tmt.R.Vasanthi, M.L.,
Principal District Judge,
Thoothukudi.

Thursday, the 31st day of July 2025

I.A. No.5/2025

AND

I.A. No.6/2025

And

I.A. No.7/2025

in

O.S. No.5/2018

I.A. No.5/2025:

Seenivasan

... Petitioner / Plaintiff

// versus //

- 1) S.Veeraragava Perumal
- 2) P.Krishnamoorthy
- 3) R.Krishnasamy

... Respondents / Defendants

I.A. No.6/2025:

Seenivasan

... Petitioner / Plaintiff

// versus //

- 1) S.Veeraragava Perumal
- 2) P.Krishnamoorthy

3) R.Krishnasamy

... Respondents / Defendants

I.A. No.7/2025:

Seenivasan

... Petitioner / Plaintiff

// versus //

1) S.Veeraragava Perumal

2) P.Krishnamoorthy

3) R.Krishnasamy

... Respondents / Defendants

The above three petitions coming before this court on 23.07.2025 for final hearing in the presence of Thiru.P.Swamy Ayya, Advocate for the petitioner in all the petitions and Thiru.P.Chellamurugan, Advocate for the 1st respondent and Thiru.N.Selvaraj, Advocate for the 2nd and 3rd respondents in all the petitions and upon hearing the arguments of both side and on perusing the entire records and having stood over for consideration till this day, this court delivers the following

COMMON ORDER

I.A. No.5/2025 :

The petitioner has filed this petition under Order 18 Rule 17 and u/s.

151 of The Code of Civil Procedure to re-call P.W.1 to mark the vital documents.

I. The brief averments of the petition are as follows :

The petitioner is the plaintiff and the respondents are the defendants in the original suit. The petitioner has filed the original suit against the respondents for declaration, injunction and prohibitory injunction. During the trial, when the petitioner searched his old file, the petitioner has found some previous documents which are to prove the case of the petitioner. Those documents are vital to prove the case of the petitioner. Therefore, in order to mark the same on the side of the petitioner, P.W.1 has to be examined once again. Hence, the petitioner has filed this petition. Otherwise, irreparable loss and much hardship would be caused to the petitioner. Hence, the petition.

II. The brief averments of the counter filed by the 2nd respondent and adopted by the 1st and 3rd respondents are as follows :

The petition filed by the petitioner to re-call the evidence of P.W.1 is not maintainable either in law or on facts. All the averments except those that are admitted herein are denied as false. The averments stated by the petitioner in the affidavit are all false. The documents produced by the petitioner is not related to this case. The property tax receipt and Electricity

receipts are related to other properties. Further, the documents produced by the petitioner were created after filing of the suit. Therefore, the averment of the petitioner that he took the documents from the old file is not acceptable. Those documents are unnecessary to this case. Further, the Electricity bill stands in the name of the 3rd defendant and the petitioner has fraudulently received and filed the same. It would not bind the respondent. Since the petitioner has filed the documents not related to this case, the petitioner could not be examined by recalling him. The petitioner has not stated any believable reasons for not filing the documents in time. The petitioner has filed this petition with belatedly with malafied intention. Further, since the evidence of the defendants was not completed, neither P.W.1 can be recalled nor the plaintiff side witness can be examined. Hence, the petition is to be dismissed in limine with cost.

III. Neither witness was examined nor exhibits were marked on both sides.

IV. The point for consideration in the above petition is :

Whether the petition is to be allowed or not?

V. I.A. No.6/2025 :

The petitioner has filed this petition u/s.151 of The Code of Civil Procedure to reopen the case which was posted for the examination of the

defendant side witness.

VI. The brief averments of the petition in I.A. No.6/2025 are as follows:

The petitioner is the plaintiff and the respondents are the defendants in the original suit. The petitioner has filed the original suit against the respondents for declaration, injunction and prohibitory injunction. During the trial, when the petitioner searched his old file, the petitioner has found some previous documents which are to prove the case of the petitioner. Those documents are vital to prove the case of the petitioner. Therefore, in order to mark the same on the side of the petitioner, P.W.1 has to be examined once again. Panchayat has also to be examined as witness. Therefore, it is just and necessary to reopen the case which was posted for the examination of the further witness on the side of the defendants. Hence, the petitioner has filed this petition. Otherwise, irreparable loss and much hardship would be caused to the petitioner. Hence, the petition.

VII. The brief averments of the counter filed by the 2nd respondent and adopted by the 1st and 3rd respondents are as follows :

The petition filed by the petitioner to re-open the evidence of P.W.1 is not maintainable either in law or on facts. All the averments except those that are admitted herein are denied as false. The averments stated by the

petitioner in the affidavit are all false. The documents produced by the petitioner is not related to this case. The property tax receipt and Electricity receipts are related to other properties. Further, the documents produced by the petitioner were created after filing of the suit. Therefore, the averment of the petitioner that he took the documents from the old file is not acceptable. Those documents are unnecessary to this case. Further, the Electricity bill stands in the name of the 3rd defendant and the petitioner has fraudulently received and filed the same. It would not bind the respondent. Since the petitioner has filed the documents not related to this case, there is no necessity to examine the Panchayat Officer in this case. The petitioner has not stated any believable reasons for not filing the documents in time. The petitioner has filed this petition with belatedly with malafied intention. Further, since the evidence of the defendants was not completed, plaintiff side witness cannot be re-opened. Further, plaintiff side witness cannot be examined. Hence, the petition is to be dismissed in limine with cost.

VIII. The point for consideration in the above petition is :

Whether the petition is to be allowed or not?

IX. I.A. No.7/2025 :

The petitioner has filed this petition under Order 7 Rule 14 and u/s.

151 of The Code of Civil Procedure to receive the documents 1 to 8, namely,

- 1) Property tax receipts -2 Nos. dated 03.05.2024 – Original
- 2) Property tax receipt dated 19.03.2021 – Original
- 3) Property tax receipt dated 23.07.2019– Original
- 4) Property tax receipts -2 Nos. dated 29.06.2022 – Original
- 5) Property tax receipts -2 Nos. dated 12.10.2021 – Original
- 6) Property tax receipts -2 Nos. dated 28.07.2023 – Original
- 7) Electricity receipts -6 Nos. – Original
- 8) Certificate dated 02.01.2024 issued by Inam Maniyachi Panchayat President for the payment of tax – Original.

X. The brief averments of the petition are as follows :

The petitioner is the plaintiff and the respondents are the defendants in the original suit. The petitioner has filed the original suit against the respondents for declaration, injunction and prohibitory injunction. During the trial, when the petitioner searched his old file, the petitioner has found some previous documents which are to prove the case of the petitioner. Those documents are vital to prove the case of the petitioner. Therefore, it is just and necessary to receive the original documents enclosed in the petition and

to mark the same on the side of the petitioner / plaintiff. Otherwise, irreparable loss and much hardship would be caused to the petitioner. Hence, the petition.

XI. The brief averments of the counter filed by the 2nd respondent and adopted by the 1st and 3rd respondents are as follows :

The petition filed by the petitioner to receive the documents is not maintainable either in law or on facts. All the averments except those that are admitted herein are denied as false. The averments stated by the petitioner in the affidavit are all false. The documents produced by the petitioner is not related to this case. The property tax receipt and Electricity receipts are related to other properties. Further, the documents produced by the petitioner were created after filing of the suit. Therefore, the averment of the petitioner that he took the documents from the old file is not acceptable. Those documents are unnecessary to this case. Further, the Electricity bill stands in the name of the 3rd defendant and the petitioner has fraudulently received and filed the same. It would not bind the respondents. The petitioner has not stated any believable reasons for not filing the documents in time. The petitioner has filed this petition with belatedly with malafied intention. Further, the petitioner has not stated that for what purpose the petitioner has filed those documents and what is the nexus between the

documents sought to be received and the present case. Hence, the petition is to be dismissed in limine with cost.

XII. Neither witness was examined nor exhibits were marked on both sides.

XIII. The point for consideration in the above petition is :

Whether the petition is to be allowed or not?

XIV. On point :

The learned counsel for the petitioner in all petitions would submit that, when the trial was going on, the petitioner was found some documents and that those documents are vital to prove the case of the petitioner / plaintiff and that therefore, those documents are to be received in order to mark the same on the side of the petitioner / plaintiff, P.W.1 is to be recalled and for that purpose, the plaintiff side evidence is to be reopened and that the documents are to be received.

2) The learned counsel for the respondents in all the petitions would contend that the documents sought to be received are not related to this case and hence, there is no necessity to examine the Panchayat Officer and those documents are related to other case and after the filing of the suit, those documents were created and that the electricity receipt stands in the name of the 3rd defendant and that since the defendants side evidence was not

completed, P.W.1 could not be recalled and the plaintiff side evidence could not be reopened and that since the petitioner has not stated about the nexus between the documents sought to be received and the present case, the proposed documents could not be received and prayed for the dismissal of all the petitions

3) In I.A. No.7/2025, the petitioner has filed 8 documents, namely, property tax receipts, electricity receipts and the Certificate issued by the Panchayat President, Inam Maniyachi. The respondents would contend that the petitioner has filed the petitions belatedly and the documents are not relating to the suit and the petitioner has not given sufficient reason why she has not produced the said documents at the earliest point of time and therefore the petitions should not be allowed.

4) The proposed documents would disclose that those documents are relating to the suit schedule property, but they are subsequent to the suit i.e in the year 2003, 2019, 2021, 2022, 2023. However, the proposed document appears to be related to the suit schedule property. Hence, this court is of the considered view that, the petitioner can be permitted to file the documents after recalling the petitioner / plaintiff and by reopening the plaintiff side evidence and no prejudice or injustice would be caused to the respondents in permitting the petitioner to recall P.W.1, reopen the petitioner / plaintiff side

evidence and receive the additional proposed documents. Rather, if an opportunity is denied, much prejudice would be caused to the petitioner and justice may fail. Further, the respondents / defendants have every opportunity to object the documents at the time of marking the same through P.W.1. The admissibility of documents or otherwise will be decided at the time of pronouncing judgment after hearing the arguments of both sides. Under the above circumstances, in the interest of justice, all the petitions deserve to be allowed. Thus, the point in all petitions is answered accordingly.

I.A. No.5/2025 :

In the result, this petition is allowed. No cost.

I.A. No.6/2025 :

In the result, this petition is allowed. No cost.

I.A. No.7/2025:

In the result, this petition is allowed. The documents 1 to 8 enclosed in the petition are ordered to be received subject to proof and relevancy. No cost.

Dictated by me to the stenographer, transcribed and typed by her into computer and corrected and pronounced by me, in the open court, on this

the 31st day of July 2025.

Principal District Judge,
Thoothukudi.

Witness examined and exhibits marked on the side of Petitioner :

Nil

Witness examined and exhibits marked on the side of Respondents :

Nil

Principal District Judge,
Thoothukudi.