

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -III,
NEYYATTINKARA**

**Present: Sri. Albin J. Thomas,
Judicial First Class Magistrate - III**

Dated : Saturday, 18th April, 2026/ 28th Chaithra, 1948

CMP 01/2026 in M.C. No. 81/2022

Petitioners/
Respondents

1. Sunilkumar.P.L, S/o Late Palayyan,
Vadakkethattu Roadrikathu Puthen Veedu,
Nadoorkolla, Amaravila.P.O.
2. Leela, W/o Late Palayyan,
Vadakkethattu Roadrikathu Puthen Veedu,
Karottukonam, Nadoorkolla, Amaravila.P.O.
3. Sujith, S/o Late Palayyan,
Vadakkethattu Roadrikathu Puthen Veedu,
Karottukonam, Nadoorkolla, Amaravila.P.O.

Represented by Adv. Jijith.S.L

Original petitioner

: Sunitha.D.S, D/o Sukumari.H,
Aluninna Veedu, Keezhkolla, Chenkal,
Amaravila.P.O.

Represented by Adv. Anitha Aji

Petition

: U/s. 12 of Protection of Women from Domestic
Violence Act, 2005.

Sentence/ order

: CMP is allowed

This application has been finally heard today and this Court passed the following on the same day.

ORDER

1. This is an application filed by the respondents to re-open the evidence.
2. The averments in the petition are as follows: Petitioners are the respondents in the case. Even after providing sufficient opportunities, the respondents failed to adduce their evidence. On 17.01.2026, the evidence of respondents was closed and the case was posted for final hearing. The

1st respondent was undergoing treatment for heart decease and was not able to consult the counsel for preparing proof affidavit. Adducing evidence from the part of respondents is necessary for the just decision of the case. Hence present petition is filed seeking to re-open respondents evidence.

3. Averments in the objection is as follows: The respondents willfully abstained from adducing evidence even after providing sufficient opportunities. The act of the respondents was with an intention to delay the proceedings. Re-opening the evidence at the later stage of the proceedings will cause prejudice to the petitioner. Hence the petition is only to be dismissed.
4. Heard both sides. Perused the records.
5. The question arise for consideration is:
Whether the petition is to be allowed?
6. **Point No. 1:-** It is to be noted that the petitioners evidence was closed on 04.10.2025 and was posted for respondents evidence on 01.11.2025, 06.12.2025 and on 17.01.2026. On all these days, the respondents failed to adduce their evidence. Subsequently the respondents evidence was closed and the case was posted for final hearing on 24.01.2026. The present petition was filed on 30.01.2026. No reason was shown by respondents for their failure to adduce evidence. The reason put forward by respondents in the petition is that the 1st respondent was laid up due to heart related decease. However no medical records were seen produced from the side of respondents to prove the same. A perusal of the entire facts and circumstances of the case shows that there is willful latches from the side of respondents to adduce the evidence. The explanation offered by the

respondent is not satisfactory.

7. Even though the respondents failed to provide a satisfactory explanation for not adducing their evidence, this court is of the considered opinion that the respondents shall be given an opportunity to adduce their evidence in order to decide the matter on merit. At the same time, the hardships caused by the delay in the proceedings to the petitioner is also to be considered. If so this court is of the opinion that a cost of Rs. 1,000/- to the petitioner will serve the interest of justice.

In the result, the petition is allowed subject to the payment of Rs.1,000/- to the petitioner within one week. The non payment of the cost will automatically dismiss the petition.

(Dictated by me to the Confidential Assistant, transcribed and typed by her, and corrected by me and pronounced in open Court, on this the 18th of April, 2026).

**Sd/-
Judicial First Class Magistrate - III,
Neyyattinkara**

//True Copy//

**Judicial First Class Magistrate - III,
Neyyattinkara**