

IN THE COURT OF THE PRINCIPAL DISTRICT MUNSIF, JAYANKONDAM.

Present: **Tmt.S.Dhanalakshmi, B.A.M.L.,**
Principal District Munsif,
Jayankondam.

On Saturday, the 25th day of October 2025

I.A.No.02/2025

-in-

O.S.No.173/2016

1. Kunasekaran

2. Mohan

...Petitioners/defendants

// **versus** //

Socrates

...Respondent/plaintiff

This petition came upon for final hearing before me on 17.10.2025 in the presence of learned counsel of Thiru.NT.Anandhan for Petitioners/defendants and learned counsel of Thiru.T.R.S.Chandramohan for Respondent/Plaintiff and after perusal of petition, affidavit, counter and case records and after hearing both sides arguments and having stood over for consideration till this day this court delivered the following:

ORDER

1. This Petition is filed by the Petitioner/defendant Under Section 151 of C.P.C to pass an order to re-open the defendant side enquiry and thus render justice.

2. The averment of the petition is as follows:-

The petitioner is the 1st defendant here in the suit. The 2nd defendant is the younger brother of 1st defendant. The suit is filed for Declaration and Mandatory Injunction. In the said suit the matter was posted for Defendant side enquiry on 24.02.2025. All documents for the petitioners side evidence are ready. However, since the petitioners counsel was unwell and had been admitted to the hospital, the petitioners side could not record the evidence. This was not done deliberately. It is very much necessary to prove his case with the document produced now. If the

petition is going to not allowed it will cause hardship to the plaintiff. Therefore it is necessary to reopen the defendant side evidence in the interest of justice. Hence this petition has to be allowed.

3. **The avernment of the counter filed by the Respondent is as follows:-**

This petition is false, frivolous, vexatious and unsustainable in law. In the case, the plaintiffs side was granted an opportunity to examine witnesses on 19.09.2024. Though several opportunities were granted to the plaintiffs on 03.10.2024, 18.10.2024, 04.11.2024, 11.11.2024, 28.11.2024, 20.12.2024, 08.01.2025 and 10.02.2025 the plaintiffs failed to proceed with the examination. The plaintiffs side evidence was ultimately closed on 24.02.2025. The petitioner only with malafide intention to drag on the proceedings belatedly filed this application without any valid reason. Hence, this petition is has to be dismissed.

4. Neither the petitioner nor the respondent have placed any oral or documentary evidences before this court.

5. Now it is to decide whether this petition is going to be allowed or not?

6. Heard both sides. Both side learned counsels argued their replica of petition and counter.

7. On perusal of records it is observed that when the suit was posted for defendant side evidence in such circumstances the petitioners has filed this application with valid reason to strengthen his case.

8. This court rely upon the judgment *A.Stephen Vs Ponnammal, 2009 Vol 5 Law weekly page 191* it has been held that re-call of PW1, after posted for judgment, no elaborate order on the part of the lower court is required, because it is obviously and axiomatically clear that such a request of the plaintiff should be allowed in the interest of justice but not allowed to fill up the lacunae.

9. Considering the above said aspects, with interest of Justice, the petition is liable to be allowed and there is no prejudice would be caused to the Respondent if the petition is going to be allowed.

Finally, the petition is allowed with condition that the Petitioners is directed to pay a sum of **₹.2,000/-** to the Respondent on or before **31.10.2025**, failing which the petition will be dismissed automatically.

Dictated to steno-typist, typed by her directly, corrected and pronounced by me in the open court, this the **25th** day of **October 2025**.

Principal District Munsif,
Jayankondam.

Both sides witnesses and exhibits: Nil

Principal District Munsif,
Jayankondam.