

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

Present : Tmt.M.Santhosham., B.Sc., B.L.,

District Munsif, Sulur

Thiruvalluvar year 2057 Sri Parapava year, 2nd day of Cittirai

Wednesday the 15th day of April 2026

I.A.No.18/2026

in

O.S.No.338/2017

Ramachandran

... Petitioner/Defendant

/VS/

1. P. Rukmani

2. G. Chitra

...Respondents/Plaintiffs

This petition is coming on this day for final hearing before me in the presence of Mr.A.Malavan, Advocate for the Petitioner and Ms.P.K.Praburaam, Advocate for the Respondents and upon perusing the records, and this court made the following:

ORDER

This petition filed by the petitioner under section 151 of CPC to stay all the further proceedings in O.S.No.338/2017 until the certified copies of the said impugned orders as passed in I.A.No.16/2026 and I.A.No.17/2026 both dated 23.03.2026 are delivered to the petitioner/defendant and until the expiry of its statutory revision/appeal period.

1. The brief averments of the affidavit filed by the petitioner as follows:

1.1. The above suit has been filed by the Respondents/Plaintiffs for the relief of Mandatory injunction and other consequential reliefs. Petitioner/defendant have filed his written statement stoutly denying the allegations contained in the plaint

and have been contesting the suit on merits. During the course of trial, one of the Plaintiff's witnesses, namely PW.2, was examined and cross-examined on 09.02.2026. During such cross-examination, the said PW.2 had deposed that he was present at the time of petitioner/defendant making demolition attempts and removing of fence of the suit property, which is wrong as the said witness was at the said relevant period working abroad at South Asian country Buranai. The said witness while denying the said facts had shown his readiness to produce his passport, but at later point of the above case had not produced his pas port.

1.2. The said PW.2 at the time of his cross examination has categorically admitted that he is in possession of his original passport covering for the period from 2012 to 2026 and has further deposed that the same can be produced before this Court. The contents of the said passport, upon verification, would clearly reveal that the witness was not present in the country at the time of the alleged incident, as he was in Brunei, thereby materially affecting the credibility and reliability of his testimony. The said passport is a vital, material and crucial document, which would clearly establish the travel history, movements and presence of PW.2 during the relevant period and would have a direct bearing on the issues involved in the suit and also on the credibility and veracity of his testimony.

1.3. The said document was not produced by the said witness (i.e., PW.2), petitioner/defendant was constrained to file the following petitions before this Court. (a). Petition under Order XVIII Rule 17 r/w Section 151 of CPC to reopen the Plaintiff's side evidence and to recall PW.2 for the limited purpose of producing and marking the said passport (I.A No.17/2026) and (b) Petition under Order XI Rule 14 r/w Section 151 of CPC seeking direction to the Plaintiff/PW.2 to produce the said original passport before this Court (I.A No.16/2026).

1.4. Even after the Plaintiff not effectively opposing the said petitions, this Court was pleased to dismiss the above said petitions. Petitioner/ defendant had immediately applied for the certificate copies of the said orders on 25.03.2026 vide C.A .No. 126/2026 and not in hold of the said erroneous dismissal orders, towards which petitioner/defendant have, prefer Revision/Appeal. Today the above case is posted for petitioner/defendant side evidence and petitioner/defendant have to began his side evidence, but until the said documents as petitioner/defendant had sought for supra is not produced in the above case, petitioner/defendant cannot began his side evidence.

1.5. As the above said facts being so, it had become just and necessary for this Court to stay the further proceedings of the above case, until the certificate copies of the said impugned orders are not delivered to petitioner/defendant and until the expiry of the statutory revision/appeal period. Unless this Court stay the further proceedings of the above case, until the certificate copies of the said impugned orders as passed in I.A.No.19/2026 and I.A.No.17/2026 both dated 23.03.2026 are not delivered to petitioner/defendant and until the expiry of its statutory revision/appeal period, petitioner/defendant would suffer irreparable loss and injury which cannot be compensated by any means. Hence, the petition is to be allowed.

2. The brief averments of Counter statement filed by Respondents as follows:

2.1. The petition is false, frivolous, vexatious and not maintainable both under law and on the facts of the case. The petitioner come forward with the present application to stay further proceedings already the petitioner counsel elaborately cross examined P.W.1 and P.W.2 and thereafter plaintiff side evidence was closed and posted for defense side witness. At that juncture without necessity, the petitioner filed a petition to reopen the plaintiff side and direction the plaintiff to produce his passport and the same was numbered as I.A.No.16/2026 and I.A.No.17/2026 and both the petition was dismissed by this court on 23.03.2026 and the case is posted for

defense side evidence. Only with intention to drag on the case, the petitioners filed this present application and still now CMA number is not produced before this court and in the petition copy application number was not also mentioned and there in no evidence the petitioner file copy application before this court. Hence, the petition is not at all maintainable both on law and on the facts. Hence, the petition is to be dismissed.

3. No Witnesses were examined on either side, and no documents were marked as exhibits.

4. Points for Consideration:-

Whether the petition under section 151 of CPC to stay all the further proceedings in O.S.No.338/2017 until the certificate copies of the said impugned orders as passed in I.A.No.16/2026 and I.A.No.17/2026 both dated 23.03.2026 are delivered to the petitioner/defendant and until the expiry of its statutory revision/appeal period is to be allowed?

5. Points :-

5.1. The petition affidavit, counter and the enquiry of both parties were carefully considered. Both parties were heard. The case records were perused. The suit has been filed seeking for the relief of Permanent Injunction as well as Mandatory Injunction against the petitioner/ defendant. Now this suit is pending for defendant side evidence.

5.2. The petitioner stated that, Petitioner/ defendant had applied for the certificate copies of the I.A.No.16/2026 and I.A.No.17/2026 orders on 25.03.2026 vide C.A .No.126/2026 and not in hold of the said erroneous dismissal orders, towards which petitioner/defendant have, prefer Revision/Appeal. Today the above case is posted for petitioner/defendant side evidence and petitioner/defendant have to

began his side evidence, but until the said documents as petitioner/defendant had sought for supra is not produced in the above case, petitioner/defendant cannot began his side evidence.

5.3. The Respondents objected that, the petitioner filed a petition to reopen the plaintiff side and direction the plaintiff to produce his passport and the same was numbered as I.A.No.16/2026 and I.A.No.17/2026 and both the petition was dismissed by this court on 23.03.2026 and the case is posted for defense side evidence. Only with intention to drag on the case, the petitioners filed this present application and still now CMA number is not produced before this court and in the petition copy application number was not also mentioned and there in no evidence the petitioner file copy application before this court. Hence, the petition is not at all maintainable both on law and on the facts.

5.4. Considering that the suit has been pending for more than 14 years, the present application appears to have been filed only to cause delay. The suit present of posted for defendant side evidence. The the reliefs sought in the suit for Mandatory injunction an consequential Permanent injunction. At this stage, seeking produce of the PW2's passport is neither relevant nor legally sustainable. The plaintiff must establish his case only by adducing relevant and additional documentary evidence in relate to the reliefs claimed. Hence, I.A.No.16/2026 and I.A.No.17/2026 are dismissed. The petitioner is directed to obtain the certified copies of the order from the copying section. The petition filed seeking to stay the proceedings of the suit until the certified copies of the said impugned orders as passed in I.A.No.16/2026 and I.A.No.17/2026 both dated 23.03.2026 are delivered to the petitioner/defendant and until the expiry of its statutory revision/appeal period is not maintainable. Hence, in the interest of justice, the said petition is dismissed. Considering the nature of this petition, the petition is not maintainable and dismissed.

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

Dictated to the Steno-typist and directly typed by her in computer, corrected and pronounced by me in open court this the 15th day of April 2026.

Sd/M.Santhosham
District Munsif,
Sulur.

List of witnesses and documents on Petitioner side:- - Nil

List of witnesses and documents on Respondents side:- - Nil

Sd/M.Santhosham
District Munsif,
Sulur.

Draft/ Fair Order
I.A.No.18/2026 in
O.S.No.338/2017
Dated: 15.04.2026
DMC, Sulur