

IN THE COURT OF THE ADDITIONAL DISTRICT MUNSIF, CHIDAMBARAM

**Present : Selvi. N.Keerthana B.A.,B.L.,
Additional District Munsif,
Chidambaram.**

Monday the 11th day of January 2021

Interlocutory Application No. 120/2020

in

Interlocutory Application No. 176/2019

in

Original Suit No. 316/2015

Devarasu

... Petitioner/Plaintiff

/Vs/

1. Usharani

2. Manivannan

... Respondents/Defendants

This petition came up for final hearing on 15.12.2020 in the presence of Thiru.B.Saravanan Advocate for the Petitioner/Plaintiff and Thiru.N.Sethuraman Advocate for the Respondents/Defendants and upon hearing both the sides and on perusal of the case records and having stood over for consideration till this day, this court delivers the following.

ORDER

This petition filed by the petitioner U/S 151 of CPC to reopen the petition in IA.176/2019 and to amend the petition.

2. THE AVERMENTS IN THE AFFIDAVIT FILED BY THE PETITIONER IS AS FOLLOWS:

The petitioner herein is the plaintiff and the respondents herein are the defendants in the suit. The petitioner has filed the amendment petition to amend the value of suit property and court fee in the suit which was numbered as IA.176/2019 and the value of suit property was mistakenly mentioned wrongly. Therefore, the petitioner has filed this petition to reopen the IA.176/2019 to amend the petition. Hence this petition to reopen the IA.176/2019 may be allowed. If this petition is not allowed it will cause irreparable loss and damages.

3. THE AVERMENTS IN THE MEMO OF OBJECTION FILED BY THE RESPONDENTS ARE AS FOLLOWS:

The facts stated by the petitioner in his affidavit is false, not correct and this respondent denies the fact that it is not maintainable in law. The petitioner has filed the petition to drag the proceedings and cause irreparable loss and damages. This petitioner has not stated any sufficient reasons to reopen the petition. Hence this petition is liable to be dismissed with cost.

4. No oral or documentary evidence produced on both sides.

POINTS FOR CONSIDERATION

5. Whether this petition Under/Section 151 of C.P.C has to be allowed or not?

6. After hearing both the sides and on perusal of records this court concludes as

follows. The petitioner states that IA.176/2019 was posted for orders on 13.10.2020 but this petitioner has mistakenly entered the value of the suit property wrongly and so, this petitioner has filed the to reopen the petition in order to amend the value of suit property. The respondent states that only in order to drag the proceedings this petition has been filed and this petitioner has not stated any sufficient reasons to reopen the petition. Hence this petition may be dismissed. On considering the facts and circumstances of this case this court is satisfied that since the value of suit property has been mistakenly mentioned in IA.176/2019 this petitioner has filed this reopen petition to put forth the case before this court and in order to provide complete justice between the parties and no prejudice will be caused in allowing this petition. Therefore, in order to avoid multiplicity of proceedings this court is inclined to allow this petition in the interests of justice.

7. In the result, the petition is allowed without cost.

Dictated by me, to the Steno-typist, typed by her directly in computer, corrected and pronounced by me in open court on this the 11th day of January 2021.

(Sd/- N.Keerthana)
**Additional District Munsif,
Chidambaram.**