

**IN THE COURT OF PRINCIPAL DISTRICT JUDGE,
CHENGALPATTU DISTRICT.**

Present : **Thiru.T.Chandrasekaran, M.L.,**
Principal District Judge,
Chengalpattu.

Thursday the 5th day of February, 2026

I.A.No.6/2024
in
I.A.No.4/2019
in
O.S.No.272/2015

Dr.S.Socrates . . . Petitioner / Petitioner / Plaintiff.

/Vs/

1. T.Jose
2. M.Arjun Das
3. Sundara Ammal
4. P.V.Sundaram
5. M/s. Paul Rose Builder P. Ltd.,
Represented by its Chairman and
Managing Director P.R.Paulson,
Adambakkam, Chennai - 600088.
6. M/s. Dual Structurals & Industries P. Ltd.,
Represented by its Director A.Anajaiah,
Kottivakkam, Chennai - 600041.

. . . Respondents/Respondents / Defendants.

This petition came up before me on 05.11.2025 for final hearing in the presence of Thiru.CPG.Yoganand & Associates for the petitioner and Thiru.K.K.S.Jayaraman, Advocate for the 1st respondent, upon hearing the arguments of both side counsel, perusing the entire records and having stood over the matter for consideration till this day, this court delivers the following,

ORDER

This petition is filed by the petitioner under Section 151 of CPC to reopen the application in I.A.No.4/2019 in O.S.No.272/2015 pending on the file of this court.

2. The averments set out in the petition filed by the petitioner briefly read as follows :

The petitioner herein is the petitioner in I.A.No.4/2019 in O.S.No.272/2015 and plaintiff in the suit in O.S.No.272/2015. The said I.A.No.4/2019 is filed seeking to send for the records of the suit in O.S.No.452/2008 namely (i) plaint (ii) proof affidavit and (iii) all the marked documents namely Ex.A1 to Ex.A9 from the file of District Munsif Court, Alandur (now the records are lying in the central record section) and receive the same in evidence. If certified copies are filed, it will not be known from the certified copies whether the originals were filed or copies of documents were filed. Only if the records are send for, whether the documents filed in the aforesaid suit are originals or copies, can be ascertained by this court. The 1st respondent also filed counter contesting the said application in I.A.No.4/2019.

However, this court has passed a cryptic, non-speaking order dated 5.7.2024 in I.A.No.4/2019 as follows:-

"The petitioner shall obtain certified copy of the records.

Petition closed."

This court apparently with an intent to direct the parties to get along with the trial in the suit has closed the I.A.No.4/2019 as mentioned above. Even at the time of filing the application, this court has returned the said I.A.No.4/2019 for maintainability as to which the petitioner has endorsed that *"the documents filed in earlier suit are fraudulent and hence, it is necessary to examine the original documents. Mere certified copy of documents is not sufficient for the purpose. Hence, this petition is maintainable"*. Being satisfied with the above endorsement the said application was taken on file and numbered as I.A.No.4/2019. The petitioner's counsel brought the above mentioned reason to the judicial notice of this court vide memo dated 30.8.2024 filed in I.A.No.4/2019 which was returned by this court on 6.9.2024 with the direction *"to be filed with proper petition."* Therefore, as per the said direction, this petition is filed to reopen the application in I.A.No.4/2019. If this petition is not allowed, it will lead to multiplicity of proceedings and would cause irreparable loss, harm and injury to the petitioner. However, if this petition is allowed, no prejudice will be caused to any of the respondents and thus the balance of convenience is squarely in his favour. Further, the prima facie case is very much in favour of the petitioner. Hence, the petition.

2. The averments set out in the counter filed by the 1st respondent briefly read as follows :

The petition is not at all maintainable both in law and on facts of the case. This court was pleased to pass an order on 5.7.2024 in I.A.No.4/2019 by holding that the petitioner shall obtain certified copy of the record. As such the present petition to reopen I.A.No.4/2019 which was filed to send for the records of the suit in O.S.No.452/2008 from the file of District Munsif Court, Alandur, is not maintainable. There is absolutely no need to send for those records / documents, as aforesaid certified copies can be obtained by the petitioner. The petition is bereft of merits. Hence, prayed for dismissal of petition.

4. The point for consideration is :

Whether the petition in I.A.No.4/2019 in O.S.No.272/2015 has to be reopened as prayed for?

5. On point :

Heard the counsel for both sides and perused the records. On perusal of averments in I.A.No.4/2019 in paragraph 6 of the affidavit, it is mentioned by the petitioner therein that in O.S.No.452/2008 filed by the 2nd defendant on the file of District Munsif Court, Alandur, he has not produced any original sale agreement which has an evidentiary value to prove his case and marked only a copy of the same and obtained an ex parte decree in his favour, therefore it is necessary to call for the records such as plaint, proof affidavit and all the documents marked as Ex.A1 to Ex.A9 pertaining to the suit in

O.S.No.452/2008 on the file of District Munsif court, Alandur, for the purpose of exhibiting the same as evidence in the present suit in O.S.No.272/2015 to show that the 2nd defendant has played a fraud upon the court.

6. Whereas, this court in I.A.No.4/2019 has ordered that the petitioner shall obtain certified copy of the records and on this basis closed the petition, which has no relevance to the issue raised in the petition. In this petition, the petitioner herein has taken a plea that if the certified copies are obtained and filed before this court, it could not be find out whether the documents are original or copy, thereby the petitioner prays to reopen the said application in I.A.No.4/2019. The reason set out by the petitioner is found to be absolutely bonafide one. Though the respondent filed counter objecting to reopen the said IA, no sufficient reason is given by him. Therefore, it is necessary to reopen the said petition in I.A.No.4/2019 to serve the interest of justice.

7. In the result, petition in I.A.No.6/2024 in I.A.No.4/2019 in O.S.No.272/2015 is allowed. No costs.

Typed to my dictation, corrected and pronounced by me in open court, on this the 5th day of February, 2026.

Principal District Judge,
Chengalpattu.

Both side witness and exhibit : Nil.

Principal District Judge,
Chengalpattu.