

**IN THE COURT OF SUBORDINATE JUDGE,
MADURANTAKAM.**

**Present: Mr. T. GANESH, B.A., B.L.,
Subordinate Judge,
Madurantakam**

**Tuesday, this 03rd day of June 2025
I.A.No.1/2024
in
H.M.O.P No. 7/2024
(CNR.No.TNKPOB000146-2024)**

Sivasankaran

... Petitioner/Petitioner

..Vs..

Ramya @ Bushma

... Respondent/Respondent

This petition coming up for final hearing on 14.03.2025 in the presence of M/s. R.N. Ganesh, K. Parvathy and C. Tamilarasi, counsels for the petitioner/petitioner and Mr. G.R. Anbu, counsel for respondent/respondent, after hearing the arguments on both sides and upon perusing the records, having stood over for the consideration of this court till date, this court delivered the following;

ORDER

This petition is filed by the petitioner under section 151 of CPC to re-open the evidence of the petitioner.

2. Petition in brief:

Petitioner filed the petition for divorce on the grounds of cruelty against the respondent. He stated that the matter was posted for further petitioner's

witnesses before the court on 12.11.2024. On the said date, the petitioner travelled along with his counsel from Pondicherry by car to attend the hearing before the court. Unfortunately, due to heavy rainfall, they were unable to reach the court on time, and consequently, the petitioner's side evidence was closed for non-representation.

The petitioner further stated that, in order to prove his case, it is just and necessary to examine two other independent witnesses who are crucial to support his case. Mental, physical, economic, and emotional harassments he had undergone at the hands of the respondent could be brought to the knowledge of the court only by examining the further PWs; otherwise, he would be put to great loss and hardship. No prejudice would be caused to the other side by allowing the present petition. Hence the petitioner file this application to reopen his witnesses.

3. Counter of Respondent in brief:

The respondent denies the allegations set out in the affidavit. Petitioner's evidence was closed on 12.11.2024 due to non-representation on the side of the petitioner, despite the fact that the petitioner was well aware of the hearing date through online e-Court services. Petitioner's hometown is Pondicherry and that the bus travel time from Pondicherry to Madurantakam is only two hours. She contended that the petitioner's only intention is to drag the proceedings unnecessarily. Hence the respondent prays for dismissal of the application with costs.

4. No oral and documentary evidence adduced by both sides.
5. Heard both sides and perused the records.

6. Point :-***“Whether the petitioners evidence can be reopened?”***

The petitioner has filed the present application under Section 151 of CPC seeking to reopen the petitioner's side evidence. It is stated that the petitioner could not adduce complete evidence earlier due to unavoidable circumstances and that it is just and necessary to examine two more independent witnesses to substantiate his case fully. The petitioner further submits that if this opportunity is denied, he would suffer irreparable loss and hardship.

The respondent has opposed the application contending that the petition is not maintainable at this stage and that the petitioner is attempting to delay the proceedings. This Court is of the view that the application is filed with bona fide intent and not merely on assumptions or presumptions. The petitioner has provided sufficient justification for the inability to present the entire evidence earlier. In matrimonial disputes, where serious allegations such as cruelty are in issue, it is essential that both parties are given fair and reasonable opportunity to establish their respective cases. Denial of such opportunity would amount to denial of natural justice.

Moreover, under Section 151 CPC, the Court is vested with inherent powers to pass appropriate orders to meet the ends of justice. Allowing the petitioner to reopen the evidence will not cause any undue prejudice to the respondent, especially when suitable conditions can be imposed to ensure that no delay is occasioned.

Therefore, in the interest of justice and to afford both parties an effective opportunity to present their case, this application deserves to be

allowed, subject to payment of costs to the respondent. Hence this point is decided accordingly.

6. Result:

In the result this application is allowed on conditions that,

1) the petitioner shall pay a sum of Rs. 1000.00 (Rupees One Thousand) only to the respondent on or before 10.06.2025 and

2) the petitioner shall be ready with his evidence on 11.06.2025.

call on 11.06.2025

Directly typed in my personal lap-top, corrected and pronounced by me in the open court, this 03rd day of June 2025.

Subordinate Judge,
Madurantakam.

I. Petitioner side evidence and Exhibits : Nil.

II. Respondents side Evidence and Exhibits : Nil

Subordinate Judge,
Madurantakam.

**Fair/Draft Order
I.A No. 1/2024
in
H.M.O.P No. 7/2024
D.D: 03.06.2025
Sub Court,
Mathurantakam.**