

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

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

**Monday, this 22nd day of September 2025
I.A.No.1/2025
in
H.M.O.P No. 97/2019
(CNR.No.TNKPOB000950-2019)**

Janagi ... Petitioner/Respondent

..Vs..

Rajivgandhi ... Respondent/Petitioner

This petition coming up for final hearing on 02.08.2025 in the presence of M/s. M.Jayaprakash Narayanan, J.Gopinath and S.Saritha, counsels for the petitioner/respondent and Mr.Jaisankar, counsel for respondent/petitioner and 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 Civil Procedure Code to reopen her evidence in the above case.

2. Averments of the petitioners:

Petitioner is the Respondent in the above case. Case posted for Arguments. Petitioner failed to give some details about the case at the time respondent side evidence. Now she have to examine her, to prove her case.

The failure to examine her is neither will full and nor wanton. Hence, petitioner files this petition to reopen her evidence in the above case.

3. Averments of the respondents:

The respondent denies the allegations set out in the affidavit. Petitioner has filed the vexatious petition with the false information and the petitioners approached the courts with unclean hands before this court. This court gave several chances to examine the respondent side witness. But the petitioner/respondent adduce evidence. Hence this court closed the respondent side evidence and posted for arguments.

Petitioner filed this petition to drag on the proceedings of the suit and wasting the golden time of this court. Petitioner with unclean hands filed this petition fraudulently before this court. Hence this petition liable to be dismissed with cost.

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

6. Point :-

“Whether the petitioner’s evidence can be reopened?”

The present petition is filed under Section 151 of the Code of Civil Procedure, seeking to reopen the respondent’s side evidence.

The case of the petitioner is that though the matter has been posted for arguments, certain important details could not be adduced at the time of respondent’s evidence. It is stated that RW1 could not be examined in detail on the side of the respondent, and the omission was neither wilful nor deliberate. The petitioner contends that unless an opportunity is granted to reopen the evidence, she would suffer irreparable loss and damage. It is

further submitted that no prejudice would be caused to the opposite party if the petition is allowed.

On the other hand, the respondent has filed a counter opposing the petition. According to the respondent, the petitioner has been afforded sufficient opportunities by this Court to adduce evidence, but failed to utilize the same. The respondent submits that only after granting several adjournments and indulgence, the respondent's side evidence was closed and the matter was posted for arguments. It is further contended that the present petition is filed with mala fide intention to drag on the proceedings and waste the valuable time of the Court, and hence deserves to be dismissed with costs.

It is a settled principle that the power under Section 151 CPC is to be exercised by the Court sparingly, only to meet the ends of justice and to prevent abuse of the process of Court. The object of reopening is not to enable a party to fill up lacunae in the evidence, but to ensure that the Court is in possession of all relevant material necessary for proper adjudication of the case. At the same time, the right of the opposite party to have a speedy trial and to be free from vexatious delay cannot be overlooked.

In the present case, the petitioner does not dispute that several opportunities were given earlier and that the evidence was closed only thereafter. However, the petitioner now seeks to reopen the evidence on the ground that failure to examine RW1 in detail was inadvertent and not intentional. While the conduct of the petitioner in not making proper use of the earlier opportunities is certainly blameworthy, denial of any further opportunity may result in shutting out evidence that could go to the root of the matter. Thus, the Court is called upon to balance the competing considerations of fairness to the petitioner and avoidance of prejudice or

delay to the respondent. But this court has granted several opportunities to the petitioner to adduce evidence. In spite she failed to make use of it. There is no explanation by the petitioner. Anyhow as pointed out earlier no loss or prejudice will cause to respondent, if this application is allowed. Considering the lethargic attitude of the petitioner, this court inclined to allow this application on conditions. Hence this point is decided accordingly.

7. Result:

In fine this application is allowed on conditions that,

- i) the petitioner shall pay a sum of Rs. 1000.00 (Rupees One Thousand) only to the respondent on or before 06.10.2025 and
- ii) the petitioner shall appear on 07.10.2025 and file her chief affidavit without fail. Call on 07.10.2025.

Directly typed in my personal lap-top, corrected and pronounced by me in the open court, this 22nd day of September 2025.

Subordinate Judge,
Madurantakam.

I. Petitioner side evidence and Exhibits : Nil.

II. Respondents side Evidence and Exhibits : Nil

Subordinate Judge,
Madurantakam.

DRAFT/FAIR ORDER
I.A 1/2025
in
H.M.O.P No. 97/2019
D.O.D: 22.09.2025
SUB JUDGE,
MADURANTAKAM