

IN THE COURT OF THE DISTRICT MUNSIF AT MADURANTAKAM

PRESENT: Tmt.R.Mahalakshmi., B.A., B.L.,
District Munsif, Madurantakam
Tuesday, the 17th day of June, 2025
I.A.No.11/2025
in
O.S.No.33/2021

1. Punitha
2. Dilli Raja ...Petitioners/Defendants 1 & 2

-Vs-

1. T.Pichanantham ...1st Respondent/Plaintiff

2. The Deputy Director,
Health Services,
Chengalpattu

3. The Special Officer cum Block Development Officer,
Madurantakam

4. The Secretary
Saravambakkam Village Panchayath
Madurantakam Taluk

5. The District Collector,
Chengalpattu District

...Respondents 2 to 5/
Defendants 3 to 6

This petition coming up before me on 17.06.2025 for final hearing in the presence of, Thiruvargal.K.Thilagaraj, K.Idhayaraj, B.Manikandan, counsels for Petitioners/Defendants 1 and 2 and Thiru.R.E.Charles, counsel for 1st Respondent/Plaintiff and Respondents 2 to 5/Defendants 3 to 6 having been set exparte main suit and after hearing the arguments on both sides and upon perusing the materials placed on record and having stood over for consideration till this day, this court delivers the following,

ORDER

This petition has filed under Section 151 of Code of Civil Procedure, to reopen the Defendant's side evidence.

2.The averments stated in the petition in brief :

The Petitioner herein is the 2nd Defendant in the suit. The Petitioner states that the case was posted for judgment on 29.04.2025. The Petitioner states that in this case PW1 and PW2 were already examined by the Plaintiff. The petitioner further states that this court closed the cross examination of the Defendant's side and suit is posted for Defendant's side evidence. Further the Petitioner states that his counsel could not appear for taking evidence as he was engaged in another court. The Petitioner states that to prove his case it is necessary to reopen the Defendant side evidence. Hence this petition.

3. The averments stated in the Objections filed by the 1st Respondent/Plaintiff Defendant and adopted by Respondents 1 to 3/Defendants 1 to3, in brief:

The Respondent states that this petition is unsustainable in law. All the allegations contained in the petition are denied except those are specifically admitted herein. The 1st Respondent/Plaintiff states that this court granted several chances to the Defendants 1 and 2 for their evidence and in spite of repeated chances given to the Petitioners/Defendants 1 and 2 they did not utilize the opportunity given to them and they having kept quiet for long time filed this petition for lame reasons hence not entitled to any relief. The 1st Respondent/Plaintiff submits that this court granted several adjournments for weeks together for more than 3 hearings for examination of Defendants 1 and 2 evidence. Thereafter the case was posted for arguments on the side of Defendants. Hence this petition is liable to be dismissed with costs.

4. **The point for determination is whether this petition is to be allowed or not?**
5. No exhibits were marked and no witness were examined on both sides.
6. Heard both sides and perused the records.
7. On Perusal of records, it is seen that the suit is filed by the Plaintiff/Respondent for the relief of permanent injunction. It reveals that Defendant side evidence was closed on 17.10.2024, this court closed the defendant evidence. after granting several

opportunity for defence side evidence from 21.02.2024 to 17.10.2024. Though the reason adduced by the Petitioner is not sufficient, this court in order to provide an opportunity for the Defendant for fair trial decides to allow this petition on condition.

8. In the result, this petition is allowed on condition that Petitioners/Defendants 1 and 2 have to pay on cost of Rs.3,000/- to the 1st Respondent/Plaintiff on or before 01.07.2025 and the petitioner should be present on next date of hearing on 03.07.2025 and proceed to take evidence without any further delay failing which the petition will be dismissed. Call on 03.07.2025.

Dictated to the Stenographer, typed by her and corrected and pronounced by me in open court on this the 17th day of June, 2025

District Munsif
Madurantakam

Petitioners side witnesses and documents:

Nil

Respondents side witnesses and documents :

Nil

District Munsif
Madurantakam