

**IN THE COURT OF THE DISTRICT MUNSIF AT MADURANTAKAM**

**PRESENT:** Tmt. V. Devapriya, B.Sc.,M.L.,  
District Munsif, Madurantakam

Friday, the 14<sup>th</sup> day of July, 2023

I.A.No. 8/2023

in

I.A.No. 4/2022

in

O.S. No. 35/2022

K.Nandagopal

...Petitioner/Petitioner/Proposed 4<sup>th</sup>  
Defendant

**-vs-**

1. Santhanakumar

...Respondent/Respondent/Plaintiff

2. The Tahsildhar, Madurantakam Taluk  
Madurantakam

3. The Revenue Divisional Officer,  
Madurantakam Taluk, Madurantakam

4. The District Collector, Chengalpattu District,  
Chengalpattu

...Respondents/Respondents/Defendants 1 to 3.

This petition coming up before me on 03.07.2023 for final hearing in the presence of, Thiru. U.Vasudevan, T.Balu, S.Jeyakumar and B.Janani, Counsels for the Petitioner/ Petitioner/Proposed 4<sup>th</sup> Defendant and Thiru.S.Subramanian, Counsel for 1<sup>st</sup> Respondent/ 1<sup>st</sup> Respondent/ Plaintiff and Respondents 2 to 4/Respondents 2 to 4 /Defendants 1 to 3 having been called absent and set exparte on 21.04.2023 and after hearing the arguments of 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 been filed by the Petitioner/Petitioner/ 4<sup>th</sup> Defendant under Section 151 of Code of Civil Procedure, to re-open the above case for marking of documents on the side of Petitioner's side

**2.The averments stated in the petition in brief:**

The Petitioner/Petitioner/ Proposed 4<sup>th</sup> Defendant had filed the above I.A. to implead him as the 4<sup>th</sup> Respondent in the above suit. The Petitioner/Petitioner/ Proposed 4<sup>th</sup> Defendant had filed 10 documents in support of his petition. The enquiry on the side of the Petitioner/ Petitioner/Proposed 4<sup>th</sup> Defendant was completed and he had filed written arguments. But the Petitioner/Petitioner/ Proposed 4<sup>th</sup> Defendant had failed to mark the documents at the time of enquiry. The 1<sup>st</sup> Respondent/Respondent/Plaintiff during his enquiry, marked Exhibits R-1 to R-3 on his side. The Petitioner/Petitioner/ Proposed 4<sup>th</sup> Defendant has got good case on merits and it is necessary to mark the said documents in the above I.A.. Hence this petition.

**3. The averments stated in the Counter filed by the Respondent/Respondent/ Plaintiff, in brief:**

This petition is not maintainable under law and on facts. The allegations in the affidavit are false. The Petitioner/Petitioner/ 4<sup>th</sup> Defendant had not stated any valuable reasons in the affidavit and there is no merits in this petition. 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 marked and no witnesses were examined on both sides
6. Heard both sides and perused the records.
7. The Petitioner/Petitioner/ Proposed 4<sup>th</sup> Defendant had filed this petition to re-open the Petitioner's side enquiry for marking of documents. The 1<sup>st</sup> Respondent/Respondent/ Plaintiff had resisted the petition stating that this petition is filed only to drag on the proceedings. Perusal of records reveal that, the Petitioner/Petitioner/ Proposed 4<sup>th</sup> Defendant had filed 10 documents and they are available in the record. The 1<sup>st</sup> Respondent/ Respondent/ Plaintiff had not vehemently opposed the petition and there is no prejudice being caused to the 1<sup>st</sup> Respondent/Respondent/Plaintiff. Hence in the interest of justice, this court is inclined to allow this petition on costs.
8. **In the result, this petition is allowed on costs of Rs. 1,000/- to be paid by the Petitioner/Petitioner/ Proposed 4<sup>th</sup> Defendant to the 1<sup>st</sup> Respondent/Respondent/ Plaintiff on or before 21.07.2023, failing which, this petition will be dismissed automatically. Call on 21.07.2023.**

Dictated to the Stenographer and transcribed by her and corrected and pronounced by me in open court on this the 14<sup>th</sup> day of July, 2023

District Munsif  
Madurantakam

/4/

**Petitioner side witnesses and documents:**

**Nil**

**Respondent side witnesses and documents:**

**Nil**

District Munsif  
Madurantakam