

**IN THE COURT OF THE ADDITIONAL DISTRICT MUNSIF, GUDALUR,
PRESENT: THIRU. P. MURUGESAN, B.L.,
ADDITIONAL DISTRICT MUNSIF, GUDALUR.**

(Thiruvalluvar Aandu 2057, Visuvavasu Varudam, Maasi Thingal 27th day)

Wednesday 11th day of March 2026.

**I.A.No.1/2026
in
O.S.No.39/2020**

1) Babu Jacob(since deceased)

2) Jolly Babu

3) Bhavya Babu

4) Jitto Babu

5) Bahgya Babu

. . . Petitioners/Plaintiffs

/Versus /

Subramani

. . . Respondent/Defendant

This petition has been taken on file on 25.02.2026 and coming before me for final hearing on 10.03.2026 in the presence of Learned Advocate Mr.K.J.Suresh for the Petitioners/Plaintiffs and Learned Advocate Mr.V.S.Issac for Respondent/Defendant, upon hearing both sides and perusing records and having stood over for consideration till this day, this court delivered the following:

ORDER

This petition is filed by the Petitioners/Defendants Under order 16 Rule 6 r/w Section 151 of CPC prays to reopen and plaintiff side summon to the Revenue and Forest official witnesses.

2).THE BRIEF AVERMENTS OF PETITION :-

(i). Petitioner filing the accompanying petition on his personal behalf and on behalf of the petitioners/plaintiffs 1,2,3, and 5. Petitioner is the deponent herein and and the 4th petitioner/ plaintiff in the above suit and petitioner fully conversant with

the facts of this case. Both the petitioners/ plaintiffs as well as the Respondent/defendant have adduced evidence in the above case, and the case is posted for evidence. Whiles in the evidence the petitioners/plaintiffs have marked Ryotwari patta and proceedings of the suit scheduled property issued by the Assistant Settlement Officer, Dharapuram dated 11-11-1998 as Ex.A2 while the Respondent/Defendant has also marked ASO order Roc.B.No.498/1998 as Ex.B7. Both the documents the defendant are bearing the same number AS Os Roc.B.No.498/98 dated 11-11-1998. In the above circumstances it is apparent that some forgery or fabrication document has taken place and as to prove the genuineness of Ex.A1 and B7 have arisen. According to Ex.A1 filed by the petitioners/plaintiffs the copies that order was submitted by the Assistant Settlement office before (1) The Commissioner and Director of Survey and Settlement Chennai-5 (2) The Settlement Officer, Tanjavur (3) The Assistant Director of survey and Lands Records, Udahagai (4) District Forest Officer, Gudalur (5) The Tahsildar, Gudalur.

(ii). In the above circumstances the proper adjudication of this case the copy of the document bearing dated number AS Os Roc.B.No.498/1998 dated 11-11-1998 sent from the Assistant Settlement Office, Dharapuram is to be produced before this Hon'ble Court by summoning the offices of the 1) The Commissioner and Director of Survey and Settlement Chennai-5 (2) The Settlement Officer, Tanjavur (3) The Assistant Director of survey and Lands Records, Udahagai (4) District Forest Officer, Gudalur (5) The Tahsildar, Gudalur has become necessary.

(iii). Therefore it is just and necessary and petitioner prays that this Court may be pleased reopen the Plaintiff side evidence and to summon the office of the witnesses 1) The Commissioner and Director of Survey and Settlement Chennai-5, (2) The Settlement Officer, Tanjavur (3) The Assistant Director of survey and Lands Records, Udahagai (4) District Forest Officer, Gudalur (5) The Tahsildar, Gudalur and to produce the document bearing number AS Os Roc.B.No.498/98 dated 11-11-1998 and thus render justice.

3).THE BRIEF AVERMENTS OF COUNTER :-

(i). The respondent/Defendant is false, frivolous, vexatious and the same is not maintainable in law or on facts of the case. The respondent/Defendant Submits that the Petitioner /Plaintiff has more than enough time to give evidence and bring any witness before this court after the defendants evidence is still continuing. The respondent/Defendant Submits that the only after closing of the defendant side evidence the Plaintiff can reopen the for further Petitioner /Plaintiff evidence. Therefore it is respectfully Submitted the above petition for reopening the evidence at this stage is not permissible, hence this petition to be dismissed with cost.

4. The point for consideration is that whether the petition is allowed or not.

5. No oral and documentary evidences were let on both sides and heard both sides.

6). Answer to point :

This court carefully considered that the submission of both sides learned counsels, Petition Affidavit, Counter and perusal of case records. At the stage Defendant side evidence, this petition is filed by the Plaintiffs side seeking reopen and summon to the 1) The Commissioner and Director of Survey and Settlement Chennai-5, (2) The Settlement Officer, Tanjavur (3) The Assistant Director of survey and Lands Records, Udhagai (4) District Forest Officer, Gudalur (5)The Tahsildar, Gudalur and adduce evidence on the side of Plaintiffs. The Original suit filed by the Plaintiffs seeking Permanent Injunction on based on Ryotwari patta dated 11.11.1998. Sufficient cause mention in petition to reopen the case. This court feels that trial court must sufficient opportunity given to the parties proving their own case. Further more this case defendant side evidence not commenced. Therefore if allowing this petition no prejudice to the Respondent/Defendant. The above said facts and circumstances, just decision of the case and in the interest of justice, this petition is allowed with cost.

7). CONCLUSION :

In the result, this petition is allowed on payment of cost a sum of Rs.2000/-.
The petitioners are directed to paid cost Rs.2000/- to the respondent on or before

16.03.2026. Which fails this petition is dismissed automatically, for compliance report call on 17.03.2026.

Dictated by me to the Steno-typist, typed by his, corrected and pronounced by me in open court, this the 11th day of March 2026.

**ADDITIONAL DISTRICT MUNSIF,
GUDALUR.**

PETITIONERS SIDE WITNESSES

Nil

PETITIONERS SIDE EXHIBITS

Nil

RESPONDENT SIDE WITNESSES

Nil

RESPONDENT SIDE EXHIBITS

Nil

**ADDITIONAL DISTRICT MUNSIF,
GUDALUR.**

**Additional District Munsif Court,
Gudalur.
I.A.No.1/2026 in O.S.No.39/2020
Fair Order.
dt.11.03.2026**
