

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE, DHARMAPURI

Present: Tmt.U.Monica,M.L.,
Additional District Judge,
Dharmapuri.

Thursday, this the 20th day of November 2025

I.A.No.7/2025
in
O.S.No.32/2016

1).D.Nagamani.
2).D.Rajan.
3).D.Jayanthi.

...Petitioners/plaintiffs

/versus/

1).D.Sarathi.
2).D.Shanthi.
3).D.Sumathi.
4).Govindan
5).Bhoothal @ Ramajayam
6).Vijayalakshmi.
7).Amsaveni.

... Respondents/defendants.

This petition is coming on 14.11.2025 for final hearing before me in presence of Mr.T.Nehru, Advocate for petitioners and Mr.N.Dhivakar, Advocate for first and second respondents and upon hearing both side arguments, on perusal of the entire case records and having stood over till this day, this court pronounces the following order:

ORDER

This petition has been filed under section 151 of CPC to reopen the suit.

2. The averments in the petition in brief is as follows:

i) This is suit for partition is now posted for arguments. During the perusal of

the records and the evidence adduced in the case, while preparing for arguments, it came to petitioner's notice that during the cross examination of DW.1 (the first defendant), he had denied the fact regarding his mother receiving the destitute/deserted wives pension and also denied the entries in the relevant voter list pertaining to his mother.

ii) In order to prove the veracity of the said facts, it has become just and necessary to adduce further evidence on the side of the plaintiffs by examining the concerned official witnesses, namely the first appellate officer and Special Tahsildar (social welfare schemes), Denkanikottai and other competent authorities and to produce additional documentary evidence in support of the plaintiff's case.

iii) Unless the case is reopened and an opportunity is granted to examine the said witness and produce additional document, petitioner /plaintiff will be seriously prejudiced, and the real facts of the case cannot be properly brought before this Court. Hence the petition has to be allowed.

3. The counter filed by the first respondent adopted by second respondent in brief is as follows:

i) This petition is filed by the petitioners/plaintiffs at the fag end of the case which is posted on 10.11.2025 for arguments. The suit is pertaining to the year 2016 and Hon'ble High Court of Judicature at Madras also passed orders in CRP.No.513/2020 on 10.02.2020 and writ petition long back. Inspite of that the petitioners/plaintiffs after

examination of exhaustive witnesses on both sides have filed this reopen petition to drag on the proceedings indefinitely. If the petition is allowed, there will be no end for the trial in the case. There is no necessity at all to file this reopen petition without mentioning reasons by the petitioners/plaintiffs. The writ petition filed by the 3rd petitioner/ 3rd plaintiff in 23580/2017 is also dismissed on 23.9.2022. There is no merit in the petition. All probabilities of the case and balance of convenience lies in favour of this respondent/defendant only.

4. The point for consideration:

Whether the petition is to be allowed or not?

5. Heard both side. No oral or documentary evidence have been adduced on either side.

6. Point:

6.1) According to petitioners, the first defendant had denied the fact regarding his mother receiving the destitute/deserted wives pension and also denied the entries in the relevant voter list pertaining to his mother, in order to prove the veracity of the said facts, it has become just and necessary to adduce further evidence on the side of the plaintiffs by examining the concerned official witnesses, namely the first appellate officer and Special Tahsildar (social welfare schemes), Denkanikottai and other competent authorities and to produce additional documentary evidence in support of the plaintiffs case.

6.2) The respondent resisted petition by contending that there is no merits in this petition, it has been filed to drag on proceedings, hence liable to be dismissed.

6.3) This is suit for partition is now posted for arguments. The petitioners allege that in order to prove their case the first appellate officer and Special Tahsildar (social welfare schemes), Denkanikottai and other competent authorities have to be examined. This court is of view that in interests of justice to provide petitioners an opportunity to prove the case, prevent multiplicity of proceedings and for proper adjudication of case, petition has to be allowed on costs, it has been filed on arguments stage.

In the result, petition is allowed on payment of cost of Rs.1000/- to respondents on or before 24.11.2025 failing which petition stands dismissed. Call on 24.11.2025.

Dictated by me, typed by the Steno-typist, corrected and pronounced by me in Open Court on this the 20th day of November 2025.

Additional District Judge,
Dharmapuri.

Petitioners Side witness, Exhibits: Nil
Respondent Side witness, Exhibits: Nil

Additional District Judge,
Dharmapuri.

Fair Order
I.A.No.7/2025 in
O.S.No.32/2016
Dated:20.11.2025.