

IN THE COURT OF THE PRINCIPAL DISTRICT MUNSIF, NAGERCOIL

Present: **Thiru. R.Sundara Kamesh Marthandan, M.L.,**

Principal District Munsif, (FAC) Nagercoil.

Monday, on this 12th day of August 2024

I.A. No. 4 of 2024, I.A. No.5 of 2024 & I.A. No.6 of 2024

in

Original Suit No. 191 of 2021

CNR No.TNKK04-000240-2021

Spurgeon Samuel

.... Petitioner/Plaintiff

-vs-

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment,
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowment.
3. The Executive Officer,
Arulmigu Subramoniaswamy Thirukovil,
Thiruchendur.
4. The Parvathipuram Udamoottu Dharmam Trust,
Rep. by its Trustees.

...Respondents/Defendants

These Petitions came up before this Court today i.e. 12.08.2024 in the presence of Thiru. N. Retnaswamy Advocate for the Petitioner/Plaintiff and Government Pleader for the Respondents 1, 2 and Thiru. Arumuga Perumal Advocate for the Respondents 3, 4 and perusing the case records, this Court delivers the following:

COMMON ORDER

1.The Petitioner had filed I.A.No. 4 of 2024 Section 151 CPC., seeking an order to Reopen the case on the side of the Plaintiff for the purpose of adducing further evidence.

The Petitioner had filed I.A.No. 5 of 2024 under Order XVIII Rule 17 and Section 151 CPC seeking an order to Recall P.W.1 for the purpose of adducing further evidence on the side of the Plaintiff

The Petitioner had filed I.A.No. 6 of 2024 under Order VII Rule 14 and Section 151 CPC seeking an order to receive and accept the Petition Schedule documents and mark them as exhibits on the side of the Plaintiff.

2. In the affidavits filed in support of the above Petition, the Petitioner had stated that the case is posted for arguments after examination of PW1 and DW1 and that on 11.03.2024, the Petitioner found out documents, in respect of the Plaintiff Scheduled property. Those documents are very important documents. They have to be exhibited on his side. The Petitioner had also mentioned about two documents namely document bearing Nos. 3258/1109 and 976/1965 and stated that those documents were handed over to him during the execution of Theykanda Pathiram, dated 28.10.2010 and that the Petitioner had earlier misplaced those documents and he found those documents, only on 11.03.2024.

3. The Petitioner had also pleaded that he has been paying the building tax in the name of previous title owner namely Pandaram. He had also mentioned about the Writ Petition order dated 14.03.2013, which is said to have been passed in respect of

the Plaintiff Scheduled property. Hence the Petitioner had come by way of the above three Petitions, seeking the above said reliefs.

4. When the above Petitions came up today for counter, the Respondents counsel had filed a memo stating that those Petitions are not sustainable. Even then the 3rd Respondent's consented for were reopen the case, for receiving the documents and to Recall PW1 for Plaintiff side evidence, in order to avoid delay in final decision and submitted that the Petitions may be allowed on cost.

5. The Point for Consideration is whether the above Petitions have to be allowed or not?

6. The Petitioner having filed the suit during the year 2021, had not produced the Petition schedule documents along with the Plaintiff. Even when issues were framed, in the suit and the Petitioner was granted time for filing list of witnesses and documents, the Petitioner has not come up with the above documents. Only when the case is posted for arguments, since 05.01.2024, the Petitioner had filed the above Petitions.

7. In the affidavit filed in support of the above petitions the petitioner had referred to some registered documents and order passed by the Hon'ble High Court in Writ Jurisdiction and that those documents are said to be connected with the Plaintiff Scheduled property. Such being the case, though the reason stated by the petitioner that he came to know about the documents only on 11.03.2024 is not substantiated with any material evidence, as the Respondent had filed memo and had not specifically denied those averments, this Court is of the considered view that the

above Petition schedule documents could be received subject to proof and relevancy and that the above Petitions could be allowed on terms.

In the result, I.A. No.4 of 2024 is allowed on condition, the Petitioner pays a sum of Rs.500/- (Rupees Five Hundred only) to the Respondents on or before 20.08.2024. Call on 21.08.2024.

In the result, I.A.No.5 of 2024 is allowed on condition, the Petitioner pays a sum of Rs.500/- (Rupees Five Hundred only) to the Respondents on or before 20.08.2024. Call on 21.08.2024.

In the result, I.A.No.6 of 2024 is allowed on condition, the Petitioner pays a sum of Rs. 500/- (Rupees Five Hundred only) to the Respondents on or before 20.08.2024. Call on 21.08.2024.

Dictated to the Steno typist, transcribed and typed by her, in Computer corrected and pronounced by me in Open Court this, the 12th day of August 2024.

Principal District Munsif (FAC)

Nagercoil.

Petitioner side witnesses and documents : Nil

Respondents side witnesses and documents : Nil

Principal District Munsif (FAC)

Nagercoil.

Fair/ Draft Order
I.A.No.4, 5, 6 of 2024
in
O.S.No.191 of 2021
Date: 12.08.2024.
PDM, Nagercoil.

PDM, Nagercoil.
I.A.No.4 of 2024
in
O.S.No.191 of 2021
Date: 12.08.2024.

Order Pronounced in Open Court

In the result, I.A. No.4 of 2024 is allowed on condition, the Petitioner pays a sum of Rs.500/- (Rupees Five Hundred only) to the Respondents on or before 20.08.2024. Call on 21.08.2024.

PDM(FAC)
Nagercoil.

PDM, Nagercoil.
I.A.No.5 of 2024
in
O.S.No.191 of 2021
Date: 12.08.2024.

Order Pronounced in Open Court

In the result, I.A. No.4 of 2024 is allowed on condition, the Petitioner pays a sum of Rs.500/- (Rupees Five Hundred only) to the Respondents on or before 20.08.2024. Call on 21.08.2024.

PDM(FAC)
Nagercoil.

PDM, Nagercoil.
I.A.No.6 of 2024
in
O.S.No.191 of 2021
Date: 12.08.2024.

Order Pronounced in Open Court

In the result, I.A. No.4 of 2024 is allowed on condition, the Petitioner pays a sum of Rs.500/- (Rupees Five Hundred only) to the Respondents on or before 20.08.2024. Call on 21.08.2024.

PDM(FAC)
Nagercoil.