

**IN THE COURT OF THE II ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL.**

Present : Selvi. V. Sivaranjani, B.A., L.L.B.,

II Additional District Munsif, Nagercoil.
Wednesday, on the 4th day of February, 2026

I.A. Nos. 7 of 2025 & 8 of 2025

in

O.S. No. 283 of 2017

CNR No.TNKK04-000420-2017

Sobithabai

... Petitioner / 1st defendant

-vs-

1. Kumaraswamy
2. The Executive Officer / Thakkar
Arulmighu Ruthra Vinayagar
Thirucoil, Kalliancaud
Nagercoil

... Respondents / Plaintiff / 2nd
defendant

These Petitions came up before me on 02.02.2026 for final hearing in the presence of Thiru. N. Retnaswamy, Advocate for the Petitioner / 1st defendant and Thiru. M. Padmasanan, Advocate for the 1st Respondent / Plaintiff and Thiru. Raja Kunjaram. Advocate for the 2nd respondent / 2nd defendant and upon hearing both sides and upon perusing the case records and having stood over for consideration, till this day, this Court delivers the following:-

COMMON ORDER**Prayer in I.A.No.7 of 2025:**

The petitioner had filed the above petition under Section 151 of the Code of Civil Procedure, seeking to reopen the case on the side of the defendants.

Prayer in I.A.No.8 of 2025:

The petitioner had filed the above petition under Order VIII Rule 1A(3) of the Code of Civil Procedure, seeking to receive the documents and mark them as exhibits on the side of the 1st defendant.

2) Gist of Averments in the Petitioners Petitions:

The petitioner is the 1st defendant in the above suit. On 17.11.2025, this court to pass an order defendants side evidence closed. Thereafter on the side of the plaintiff this court heard the arguments on 27.11.2025. In the meantime the evidence of the defendants are not completed. Today on the side of the 1st defendant proof affidavit filed and along with the proof affidavit some documents have to be marked as exhibits. For that purpose it is highly necessary to re-open the case on the side of the defendants, otherwise, petitioner will be put to irreparable loss and injury.

3. Today on petitioner behalf petitioner's husband filed proof affidavit. Along with the proof affidavit petitioner was producing one more three documents which is very important document to prove the 1st defendant's case.

In the nature and circumstances of the case, it is highly necessary to receive the document which are stated in the accompanying affidavit and mark it as exhibit on the side of the 1st defendant, otherwise petitioner will be put to irreparable loss and injury. Hence, these petitions are to be allowed.

4) Gist of Averments in the 1st Respondent's Counters:

The counter filed by the 1st Respondent and adopted by the 2nd Respondent.

The 1st Respondent had filed counter stating that these petitions are not maintainable in law or on facts. This 1st Respondent is the plaintiff in the above suit. It is respectively submitted that the evidence on the side of the plaintiff was closed on 17.10.2023. Thereafter, from 23.10.2025 to 17.11.2025, the petitioner / defendant was granted as many as seven adjournments, and several opportunities were afforded by this court to adduce evidence. Despite such repeated indulgence, the petitioner failed to effectively utilize the opportunities.

5. On 17.11.2025, this court was closed the evidence of the petitioner. Thereafter, the matter was posted for arguments of the respondent / plaintiff on 17.11.2025, 21.11.2025, 24.11.2025 and 26.11.2025 and on 27.11.2025 the arguments on behalf of the plaintiff were fully heard. The case was adjourned for arguments of the petitioner / defendant on 01.12.2025, 05.12.2025 and 10.12.2025, granting further opportunities. Only at this belated stage, on

10.12.2025, the present petition to reopen the case and to receive documents has been filed. The timing of the petition itself clearly demonstrates the malafide intention of the petitioner. The case has reached the final argument stage, and reopening the case at this juncture is wholly impermissible, unless exceptional circumstances are shown, which are conspicuously absent in the present case. The petitioner has not explained any valid or sufficient cause as to why the alleged documents were not produced earlier, despite several opportunities granted by this court. Mere filing of a petition without due diligence or bonafide reasons cannot be a ground to reopen the case.

6. It is a settled principle of law that reopening of evidence at the argument stage cannot be allowed as a matter of course, particularly when it results in serious prejudice to the opposite party and defeats the very object of speedy justice. The present petition is nothing but a dilatory tactic, filed only to drag on the proceedings and to harass the respondent/plaintiff, who has already completed arguments after due compliance with all procedural requirements. Allowing such a petition would amount to abuse to process of court encourage negligent conduct, and undermine the sanctity of judicial proceedings. Hence, to accept the counters and dismissed the petitions.

7) The point for consideration is whether the above petitions have to be allowed or not?

8) Heard. Record perused. These petitions have been filed by the petitioner / 1st defendant while the original case has been adjourned for arguments. On 17.11.2025, this court passed an order closing defendants side evidence after sufficient opportunity granted. Subsequently, on the side of the plaintiff this court heard the arguments on 27.11.2025. In the meantime the petitioner has come up with this petition along with proof affidavit of the 1st defendant stating that the evidence of the defendants are not completed and important documents have to be marked as exhibits .

9. The respondents contention is that the evidence on the side of the plaintiff was closed on 17.10.2025. Thereafter, from 23.10.2025 to 17.11.2025, the petitioner / 1st defendant was granted as many as seven adjournments, and several opportunities were afforded by this court to adduce evidence. Despite such repeated indulgence, the petitioner failed to effectively utilize the opportunities.

10. In the light of the above facts, although the petitioner had not given proper reasons for not proceeding with their side evidence promptly, Considering to give another fair opportunity and document seems to be very relevant and important for the purpose of proper and effective adjudication of issues involved in this case and for a complete judicial determination of the original case and to give the petitioner sufficient opportunity to prove the case through the document , this court is of the considered view that it is necessary to

reopen the case and receive the said document. Hence, in the interest of justice, this Court inclined to allow these petitions on conditional cost.

As the result, these petitions are allowed on conditional cost.

I.A. No. 7 of 2025:

This petition is allowed, on the condition that the petitioner shall pay a sum of Rs.300/- (Rupees Three Hundred only) payable to the Mediation and Conciliation Centre, Kanniyakumari at Nagercoil on or before 07.02.2026. otherwise, this petition would be dismissed. Call on 07.02.2026.

I.A. No. 8 of 2025:

This petition is allowed, on the condition that the petitioner shall pay a sum of Rs.300/- (Rupees Three Hundred only) payable to the Mediation and Conciliation Centre, Kanniyakumari at Nagercoil on or before 07.02.2026. otherwise, this petition would be dismissed. Call on 07.02.2026.

Dictated to the Steno-Typist directly, transcribed and typed by her in computer, corrected and pronounced by me in Open Court, this the 4th day of February, 2026.

II Additional District Munsif
Nagercoil.

Petitioner side witness & Documents : Nil

Respondents side witness & Documents : Nil

II Additional District Munsif
Nagercoil.

I.A. Nos.7, 8 of 2026
in
O.S. No.283 of 2017
Fair Order
Date: 04.02.2026.
II ADM Court, Nagercoil.