

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

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

II Additional District Munsif, Nagercoil.  
Friday, on the 6<sup>th</sup> day of March, 2026

**I.A. Nos. 12 of 2026 & 13 of 2026**

**in**

**O.S. No. 206 of 2022**

CNR No.TNKK04-000416-2022

S. Sorimuthu

... Petitioner/Plaintiff

-vs-

1. Arulmigu Dharma Vinayagar Devasthanam,  
Ethamozhi Vellalar Samuthayam and  
rep. by its President, M. Chidambaram @ Manikandan
2. Arulmighu Dharma Vinayagar Devasthanam,  
Ethamozhi Vellalar Samuthayam and  
rep. by its Secretary M. Manikavasagam
3. Arulmigu Dharma Vinayagar Devasthanam,  
Ethamozhi Vellalar Samuthayam and  
rep. by its Treasurer M. Selvan.
4. Arulmigu Dharma Vinayagar Devasthanam,  
Ethamozhi Vellalar Samuthayam and rep. by  
its Executive Committee Member A. Shanmugam
5. Arulmigu Dharma Vinayagar Devasthanam,  
Ethamozhi Vellalar Samuthayam and rep. by  
its Executive Committee Member C. Aanantham Pillai

... Respondents / Defendants

These petitions came before me on 18.02.2026 for a final hearing in the presence of Thiru. A. Raveendran, Advocate for the Petitioner/Plaintiff and Thiru. M. Padmasanan, Advocate for the Respondents / Defendants 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.12 of 2026:**

The petitioner has filed the above petition under Order XVIII Rule 17 and Section 151 of the Code of Civil Procedure, seeking to re-call the PW1 for marking of documents.

#### **Prayer in I.A.No.13 of 2026:**

The petitioner had filed the above petition under Order VII Rule 14 and Section 151 of the Code of Civil Procedure, seeking to receive the documents and mark them as exhibits A24 and A26.

#### **2) Gist of Averments in the Petitioner Petitions:**

The petitioner is the plaintiff in the suit filed, seeking permanent injunction against the defendant/respondents. the petitioner submits that on the side of the petitioner / plaintiff side Ext. A1 to Ext. A 23 marked while filing proof affidavit. Subsequently, the examination of PW1 has been completed and the suit is posted for further plaintiff side evidence. In such circumstances, the

petitioner claimed to have got three other documents which are necessary to be accepted on their side in order to vindicate their case. Hence, these petitions to recall PW1 and to receive and mark the documents through him to be allowed

**3) Gist of Averments in the Respondents Counters:**

The respondents submits that the exparte order of ad-interim injunction passed by this court till 12.12.2022 and the defendants had filed counter and posted the I.A.No.3 of 2022 for orders to 11.07.2023. After that the plaintiff has filed the reopen petition in I.A.No.5 of 2023 and I.A.No.6 of 2024 and I.A.No.8 of 2024 and drag the hearing of the I.A.No.3 of 2022 and PW1 to 3 were examined. The plaintiff was not in possession of any trust property and the plaintiff is trying to trespass into the property through police this false petition is filed. The identical petition was filed as I.A.No.7 of 2024 was already dismissed.

4) The respondents further stated that the plaintiff mother Sankaravadivu ammal has filed the suit after the demise of Santhanam Pillai against the trust claiming injunction for the plaint schedule property and two other property as O.S.No.332 of 1987 before the District Munsif Court , Nagercoil. The suit was dismissed on 01.03.1990 as such the suit is barred by resjudicata as such the plaintiff was not in possession of the plaint schedule property. The plaintiff or his father is not having any title or possession of the

plaint schedule property. The plaintiff schedule property is the absolute property of the trust. The trust has leased the building to Rekha. The plaintiffs along with five others person damaged the house articles belonging to Rekha and attempted to dispossess her from the house. She had given complaint to the Eathamozhy police station. The police has registered Cr.No.122/2022 against the plaintiff and 5 others u/s. 148, 294(b), 448, 427, 380 & 506(2) of IPC only to escape from the offences committed by the plaintiff and others the suit and this petition is filed.

5. The plaintiff is not in possession of the property. The plaintiff is not entitled to get any order of injunction against the trust as claimed in the suit. The plaintiff the order of interim injunction itself is not maintainable. The trial was commenced and PW1 to 3 were examined only to prolong the case now this petition is filed. The documents are after suit and irrelevant. As such no need to recall PW1 again after examination of PW1 to 3. Hence, the petition may be dismissed.

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

**7) Heard Both sides. Record perused.**

These petitions have been filed by the petitioner / Plaintiff while the original case has been adjourned for further PWs in order to recall of PW1 and mark petition mentioned documents which are claimed to have got by the

petitioner recently. For which, the respondents raised the serious contention stating that the petitioner already examined PW1 to PW3. Further, the respondent insisted that the suit is barred by res-judicata and the petitioner is not in a possession of property and hence, injunction relief is not maintainable. Also, the respondents strongly assert that examining PW1 to PW3 itself is to prolong the case as such no need to recall PW1 against since the documents are after suit and irrelevant.

8. On perusal of material records, this court could see that the documents sought to be received through PW1 are CD alleged to show on going construction in the plaint schedule property, permission letters given by Vellallar Community Members in order to purchase property of so called Community and its Devasthanam. It is pertinent to note that one of the abovesaid permission letter is of the year 2025 Whereas the suit is from the year 2022. Considering that, this court is of the view that This petition is allowed only subject to proof of the sought documents, relevancy and its admissibility. Hence, in the interest of justice, this Court inclined to allow these petitions on conditional cost.

**As the result,**

**I.A. No. 12 of 2026:**

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 11.03.2026.  
otherwise, this petition would be dismissed. Call on 11.03.2026.

**I.A. No. 13 of 2026:**

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 11.03.2026. otherwise, this petition would be dismissed. Call on 11.03.2026..

The Order directly dictated to steno-typist typed in computer, and after making necessary corrections, and pronounced by me in the open court, this the 6<sup>th</sup> day of March 2026.

II Additional District Munsif  
Nagercoil.

Petitioner side witness & Documents : Nil

Respondents side witness & Documents : Nil

II Additional District Munsif  
Nagercoil.

I.A. Nos.12, 13 of 2026  
in  
O.S. No.206 of 2022  
Fair Order  
Date: 06.03.2026.  
II ADM Court, Nagercoil.