

**IN THE COURT OF PRINCIPAL DISTRICT MUNSIF
PADMANABHAPURAM.**

**Present: Thiru.R.Karthikeyan, B.A., B.L.,(Hons.)
Principal District Munsif.**

Friday, the 10th day of July 2026

E.A.No.09 /2026

in

E.A.No.04 /2026

in

E.P.No.07/2023

in

O.S. No. 894 of 1991

1. Jebastine Selvaraj (Died)
2. Chellammal
3. Pravin Selvaraj
4. Prema Latha ... Petitioners / Judgment debtors/Defendants

Vs.

1. Chellaswamy (Died)
2. Chellammal
3. Jayanthi
4. Vaikunda Sheepa
5. Vaikundanathan
6. Vaikunda Raja
7. Vaikunda Jothi
8. Vaikunda Perumal ...Respondents/Decree holders/Plaintiffs

This petition is coming before me for final hearing, in the presence
of Mr.John Jayakumar, learned counsel for the Petitioners and

Mr.Jexilal, learned counsel for the Respondents . Upon hearing the both side counsel and on perusal of the records stood over for consideration till this day, this court passed the following :

ORDER

This petition is filed under Section 151 of the Civil procedure Code to reopen the E.A.No.4/2026 to pass such or other orders of this court.

2. THE AVERMENTS IN THE PETITION IN BRIEF : -

i) The respondents filed the above said E.P.No.07/2023 before 1st petitioner died 2nd to 4th of us have been impleaded in the above said E.P.No.07 of 2023. Before vacation the said E.A.No.04 of 2026 was posted on 27.04.2026 and it was re-posted to 02.06.2026. on 27.04.2026 and 21.04.2026 petitioners have filed receive documents petition and documents. The above said petition and documents are returned. Since petitioners counsels could not appear before this court on consent of their 02.06.2026 and one application for reviewing the order dated 27.04.2026 passed in E.A.No.06/2026 of the above said E.A.No.04/2026. The above case was adjourned to the date of 15.06.2026 and that she did not receive the review application. Through the above said information that the above said E.P.No.04/2026 and other proceedings connected with the E.P.No.07 of 2023 will be conducted on 15.06.2026. On 09.06.2026 at about evening 6.00 P.M petitioners came to know that

against to the incidents occurred on 02.06.2026 at the time of call hour the above said case had been taken on 08.06.2026 before this court without knowledge and presence and at that time the respondents side enquiry of the above said E.A.No.04 of 2026 have been heard by this court. The above said case have been taken and it had been recorded and reposted to the date of 22.06.2026 for pronouncing order on the above said E.A.No.04 of 2026 and since the above said mistake have occurred against us, it will be cured and rectified by filing proper application such as re-open for the enquiry of us on E.A.No.04 of 2026.

ii) After the above said Advocate informed the above said incidents only came to know the above said incidents. The above said non participation on the date of 08.06.2026 could conduct on the above said only. The non participation of us on the date of 08.06.2026 is neither willful nor wanton. Thus the above said order is against us and is infavour of the respondents. Without no merits the respondents are trying to grap the E.P. schedule property and others which are in the said property. In order to prove their merits on the above said E.A.No.04 of 2026. The said enquiry of E.A.No.04 of 2026 should be such as trial. The above said E.A.No.04 of 2026 may be reopened for their enquiry and filing review application on E.A.No.06 of 2026 and move the petition for receiving documents. To reopen the above said

E.A. as stated above, the petitioners have a very good cause and satisfactory bonafide reasons. Hence, this petition.

**3. THE AVERMENTS IN THE COUNTER FILED BY RESPONDENTS
IN BRIEF:**

i) The petitioners/Judgment Debtor have seeking any remedy regard the same to be file an separate suit. The petitioners/Judgment debtors have no right to arising any question regard this subject matter. Because the trial court, appellant court and High Court were already discussed the subject matter basing on the documentary and oral evidence of both sides effect of the same passed to concurrent Judgment and decree infavour of respondents. So, the Petitioner/Judgment Debtor have no right to arising any question regard the alleged Judgment and decree. The Petitioners/Judgment debtors have never filed any appeal against the Judgment and decree passed by the Hon'ble High Court of Madurai Bench. The ownership was already discussed by the trial court, Appellant court and High court. But there is no appeal. The petitioners/Judgment Debtors has no locus standi to filed this petition.

ii) The petitioners/Judgment debtors have no locus standi to arise any question against the Judgment and decree passed by the Hon'ble Lower court appellant court and High Court. None of any appeal is

pending in Superior court. The case as well examined a witness of DW.1 in O.S.894/1991. This court ought to have found to consider the Judgment in O.S.No.894/1991 the same was came in light of this court. Because already this court has been discussed the subject matter with both sides and pass an order meritoriously on 27.04.2026. The petitioners/Judgment Debtor purposely dragging the subject matter and purposely they have filed this vexatious petition and provoking intention of the same. Hence, this petition is liable to be dismissed.

4. POINTS FOR DETERMINATION : -

Whether the Petitioners are entitled to the relief as prayed for or not?

5. DISCUSSION AND ANALYSIS : -

Heard Both sides. Records Perused .

i) Petitioners have filed this petition to reopen the E.A.No.4/2026 for petitioners side enquiry and for filing review application and for marking documents. The contention of the petitioners is that on 08.06.2026 this petitioners came to knowledge about that in E.A.NO.04/2026 respondents side enquiry was heard and petitioner side enquiry has been closed and petitioners were called absent and no representation was recorded on the petitioners side and re-posted on 26.06.2026 for pronouncing the order in the above said

E.A.NO.,04/2026. Petitioners also submit that since petitioner side enquiry was closed and above said E.A.No.4/2026 in E.P.07/2023. Respondents are trying to grab the Execution petition Schedule property and hence petitioners have filed this petition .

ii) On the other hand respondents raised strong objection to allow this petition and submit that petitioners has no right to raise any question regarding the subject matter because the trial court and appellate court and High Court have already discussed the subject matter based on documentary oral evidence on both sides and passed Judgment and decree infavour of this respondents. No appeal was preferred by the petitioners before Hon'ble High court of Madras. Petitioners have not produced any single document to support their claim with regard to the subject matter. Petitioners have orally claimed the schedule of property and ownership already discussed by the trial court and appellate court and against which was appeal pending and there is no merit. This petition is itself meritless and filed purposely to cause prejudice to the executing proceedings. Respondents also submit that petitioners have full knowledge about case proceedings and has appointed advocate and conducted the cases as well as examined as DW.1 in O.S.No.894/1991. Petitioners have filed this petition purposely only to delay the trial proceedings and prays to dismiss this petition.

iii) Based on both sides rival submission it is clear that Petition E.A.No.04/2026 was filed by this petitioners on 10.02.2026 and 16.04.2026 respondents side enquiry was heard. However no enquiry was posted on that day 16.04.2026 and thereafter it was posted on 01.07.2026 for adducing petitioner side enquiry and orders. However petitioner have filed this E.A.NO.09/2026 at the circumstance stating to reopen the E.A.No.04/2026. It is very clear that petitioners side enquiry was not closed in E.A.No.04/2026 and petitioners can very well adduce their enquiry as still petitioners in enquiry not closed in E.A.No.04/2026. It is also to be noted that E.P.No.07/2023 in O.S.No.894/1991 was pending before this court for the past 3 years. However petitioners have filed this E.A.No.04/2026 only on 10.02.2026 and subsequently E.A.No.09/2026 was filed stating that the reopen the E.A.NO.04/2026 the above act of the petitioners clearly shows that petitioners is willfully dragging on the execution proceedings and moreover it is very clear that this petitioner was examined as DW.1 in O.S.NO.894/1991 itself as petitioners have not denied their contention of the respondents. Hence, it is very clear that the petitioners was very well aware of the trial proceedings of O.S.No.894/1991 and subsequent E.P.No.07/2023 previously itself, petitioners side enquiry was also not closed as discussed in detail as above considering the nature and

circumstances of the petition in the interest of justice inclined to dismiss this petition.

DECISION:

In the interest of justice petition is dismissed. No costs.

Dictated to the steno-typist and typed by her in computer, corrected and pronounced by me in open court, on this 10th day of July 2026.

Principal District Munsif,
Padmanabhapuram.

PDMC, Padmanabhapuram.
E.A. No.09/2026 in E.A.04/2026
E.P.No.07/2023 in
O.S.No.894/1991.
Order:
Dt: 10.07.2026

