

IN THE COURT OF PRINCIPAL DISTRICT MUNSIF KANCHEEPURAM
KANCEEPURAM DISTRICT

PRESENT: TMT.R. Rajeswari,B.Com.,L.L.M.,
Principal District Munsif, Kanchipuram

On Tuesday, this the 08th day of November 2023

IA.No. 3 of 2022
in
O.S.No. 491 of 2001

1. Smt. Thangammal(Died)
2.Thiru. Gnanasamantham, S/o Kannaiyapillai
3.Vengatesan, S/o Gnanasamantham
4.Roobaganthi, D/o Gnanasamantham
5.Dilliganthi, D/o Gnanasamantham

...Petitioners/plaintiffs

/Versus/

Yadhavarsangam Represented by
Ex- President A.Murugan and others

...Respondents/ Defendants

This petition has come up on 07.11.2023 for final hearing before me in the presence of Thiru.G.Ravikumar, advocate for the petitioner and Thiru.P.K.Thevarajan, advocate for the 2nd respondent and 1st and 3rd respondents being exparte in the suit and upon hearing the arguments of both sides and upon perusing the connected material records and having stood over till this day for consideration, this court delivers the following:

ORDER

1. This petition is filed under sec. 151 of C.P.C to reopen the plaintiff side evidence
2. **The case of the Petitioner as stated in his affidavit is as follows:-**
3. The petitioner is the 2nd plaintiff in the suit. He well aware of this case. In the above case, the plaintiff side evidence has been closed by order of this court on 05.03.2023. It is very necessary to examine a witness on the Respondent Yadava sangam, to prove the case of the plaintiff. Hence, this petition.
4. **The respondent filed his counter and the gist of the same is as follows:-**
5. This Respondent submits that all the allegation contained in the petition are false, frivolous, vexations and not sustainable either in law or on facts. This Respondent denies all those allegations except that are expressly admitted in this counter. This petitioners has invented all the above allegations with some ulterior motives.
6. The above application is filed only to protract the proceedings. The relief claimed in the petition is not maintainable in Law and on facts.
7. There are no merits or Bonafide or cause of action and there is no Prima facie or balance of convenience in filing this petition. Hence, this petition may be dismissed
8. The point for consideration in this petition is whether this petition is to be allowed or not.

The Point:

9. The learned counsel for the petitioner argued that the petitioner is the 2nd plaintiff in the suit. He is well aware of this case. In the above case, the plaintiff side evidence has been closed by order of this court on 05.03.2023. It is very necessary to examine a witness on the Respondent Yadava sangam, to prove the case of the plaintiff. Hence, the petitioner counsel prayed to dismiss the petition.
10. The learned counsel for the respondent argued that respondent submits that all the allegation contained in the petition are false, frivolous, vexations and not sustainable either in law or on facts. This Respondent denies all those allegations except that are expressly admitted in this counter. This petitioners has invented all the above allegations with some ulterior motives.
11. The above application is filed only to protract the proceedings. The relief claimed in the petition is not maintainable in Law and on facts.
12. There are no merits or Bonafide or cause of action and there is no Prima facie or balance of convenience in filing this petition. Hence, the respondent counsel prays to dismiss the petition with costs.
13. Heard both sides arguments. Connected material records perused. In this case, the plaintiff side evidence was closed on 05.03.2021 and the suit is pending for the defendant side evidence. On the defendant side evidence, this case was posted for DW1 cross as no further adjournment. But instead of cross examining the DW1, the plaintiff come forward with this petition. This case is

of the year 2001, the lethargic attitude of the petitioner is condemned. Hence this may be allowed on cost.

14. In the result, this petition is hereby allowed on payment of the cost of Rs.2000/- to the respondent by the petitioner on or before 17.11.2023 for compliance call on 20.11.2023

Dictated to the steno-typist, who directly typed the same in her Computer, corrected and pronounced by me in open court, this the 8th day of November 2023.

sd/-, Tmt.R. Rajeswari,
Principal District Munsif,
Kancheepuram