

**IN THE COURT OF DISTRICT PRINCIPAL MUNSIF AT
KANCHEEPURAM**

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

On Friday, this the 21st day of April 2023

IA.No.2 of 2022

In

O.S.No. 175 of 2021

Shanthi

...Petitioner/Plaintiff

/Versus/

1. Selvi
2. Ramadoss

...Respondents/Defendants

This petition has come up on 13.04.2023 for final hearing before me in the presence of Thiru.A.Raju, advocates for the petitioner and Thiru.K.Ramakrishnan, R.Raghulgnndhi and V.Praveen, advocates for the respondent 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 Section 151 of CPC to reopen the case in O.S.175/2021 for marking on the side of the petitioner.
2. The case of the petitioner as stated in his affidavit is as follows:-

The petitioner submitted that the the petitioner have filed the above original suit as against the respondents seeking for the relief

of permanent injunction and other reliefs. While filing the suit the petitioner have filed a Petition U/O 39 Rule 1 and 2 of CPC seeking for interim injunction against the respondents, the said petition was numbered as I.A.No.1/2021.

3. On 23.08.2022 the said application in I.A.No.1/2021 was posted for marking of further documents on the side of the petitioner. However, the petitioner could not mark vital and necessary documents, as the same were mixed up with other case bundles in the office of the petitioner counsel. Now, the said documents are available. Hence , the petitioner is filing this application. The non prosecution of the case is neither will nor wanton, but due to the above said unavoidable circumstances. Hence this petition.
4. The 2nd respondent filed his counter which is adopted by the 1st respondent and the gist of the same is as follows:-

The respondents does not admit any of the allegations made in the affidavit and put the petitioners to strict proof of all of them. The respondents submitted that the plaintiff does not file documents while filing this petition this Section 151 of CPc. Hence this petition is not maintainable. However, the petitioner/plaintiff should have filed the Order 7 Rule 14(a) petition at least at the time of filing the said Petition. Hence this petition is not maintainable. Hence this petition may be dismissed.

5. The point for consideration in this petition is whether there are valid reasons to allow this petition or not?

The Point:

6. The original suit was filed by the plaintiffs for permanent Injunction, now the case is posted for Issues. While filing the suit the petitioner have filed a petition U.O 39 R 1 and 2 of CPC seeking for interim injuction against the respondents, the said petition was numbered as IA.No.1/2021, the said application was posted for marking of further documents on the side of the petitioner.The petitioner could not mark vital and necessary documents Hence the petitioner filed this petition to reopen the case to mark documents on the side of the petitioner in IA.No.1/2021.
7. The respondents filed their counter stated that the petitioner/plaintiff should have filed the Order 7 Rule 14(a) petition at least at the time of filing the said Petition. Hence this petition is not maintainable. Hence the respondent counsel prayed to dismiss this petition.
8. Heard both sides, this court has carefully perused the averments of affidavit, counter filed by respondent and entire case bundle. Though the stage of the case is posted for issues, it is just to reopen the case to mark the documents on the side of the petitioner in IA.No.1/2021.

So in these circumstances this court is come to conclusion that there are valid reasons to allow this petition. The point is answered accordingly.

9. In the result, this petition is allowed. No Cost.

Dictated to the steno-typist, who directly typed the same in her computer, corrected and pronounced by me in open court, this the 21st day of April 2023.

Sd/-R.Rajeswari
PRINCIPAL DISTRICT MUNSIF
KANCHEEPURAM