

**IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, KARUR**  
**PRESENT:- THIRU R. SHANMUGASUNDARAM, B.Com., L.L.B.,**  
**PRINCIPAL DISTRICT JUDGE.**

Wednesday, the 31<sup>st</sup> day of July 2024

**I.A.No.19/2024 in O.S.No.33/2014**

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Natarajan

...Petitioner/defendant

vs.

Kamatchi Periyasamy @ Gokul

...Respondent/Plaintiff

The above said petitions is coming before me for final hearing on 22.07.2024 in the presence of Thiru K. Vellusamy, advocate for the petitioner and Thiru. S. Chandrasekran, advocate for the respondent and upon hearing the arguments on both sides and having stood for consideration till this day, this Court passed the following

**ORDER :-**

The Petitioner/defendant has filed this petition in I.A.No.19/2024 seeking to reopen the case which stands posted for arguments in O.S.No.33/2014 for examination of Sub-registrar on the side of petitioner/defendant.

**2) Brief averments of the affidavit filed by the petitioner/defendant in I.A.No.19/2024 in O.S.No.33/2014 is as follows:-**

The petitioner is the defendant in the above suit. He has filed the above suit for the relief of (a) declaring that the sale deed dated 08.07.2011 (Doc.No.1456, 6610, 6611) are null and void; (b) the sale deed dated 08.07.2011 (Doc.No.1456, 6610, 6611) be delivered up and adjudged as stands cancelled and for costs. Further, he submits that the respondent/plaintiff has filed this suit against the petitioner/defendant seeking for cancellation of three sale deed dated 08.07.2017. Further, he submits that the case is adjourned for hearing. Further, he stated that the respondent/plaintiff has falsely stated that the petitioner/defendant has taken away the respondent/plaintiff to the sub-registrar on 29.06.2011, in a drunken mode and threatened him and executed a general power of attorney in the name of Prabhu S/o.

Thangavel, who is not known to the petitioner/plaintiff and purchased the properties in respect of items 2 and 3 in suit properties and on 29.06.2011 again purchased the properties in the 1<sup>st</sup> item of the suit property. It has been stated that the averments made by the respondent/plaintiff is false. Therefore, in order to prove the above said documents the petitioner/defendant files this petition seeking for examination of Sub-registrar Thanumoorthy, Tenkasi. Hence, he prays to allow the petition.

3) The counsel for the respondent made an endorsed that the petition may be allowed on terms.

4) This Court considered the rival submissions.

5) The question before this Court is whether the petition has to be allowed or not?

**ANSWER TO THE POINT:-**

6) This is the oldest case in this Court. Further, the case pending from 2014 onwards and this case is a classic example for adopting in tactics by both the parties.

7) The petitioner is the defendant in the suit and the respondent is the plaintiff. Further, the plaintiff have filed the suit for the relief of (a) declaring that the sale deed dated 08.07.2011 (Doc.No.1456, 6610, 6611) are null and void; (b) the sale deed dated 08.07.2011 (Doc.No.1456, 6610, 6611) be delivered up and adjudged as stands cancelled and for costs. When the case was posed for arguments on 19.07.2024, the petitioner/defendant has filed this second application seeking to reopen the petition for the reason stated above. Already, at the stage of defendant side further evidence the witness batta was paid to the witness Sub-registrar Thanumoorthy, Tenkasi on 21.09.2023. The above said witness summon was returned as unclaimed and hence, this Court by its Order dated 19.10.2023 declared that the service of the said witness held sufficient and said witnesses was called absent. Hence, the case was adjourned for taking steps against the said witness. On 02.11.2023, the steps for the above said witnesses was filed by the defendant side and the same was returned for compliance

on 09.11.2023. Further, on 09.11.2023 the steps was not represented and hence the steps was closed and this Court proceeded for further defendant side evidence and finally the defendant side evidence was closed on 12.02.2023. After six months from the date of the closure, the petitioner files the present petition. Meanwhile on 24.05.2024, the petitioner/defendant filed a reopen petition in I.A. No.15/2024 to reopen the case for adducing further evidence to examine one Mr. M. Gunasekaran, Inspector of Police. The above said petition was allowed on 06.06.2024. Further, the petitioner/defendant has taken witness summon. On 20.06.2024, the witness summon was served and the said witness, Mr. M. Gunasekaran, Inspector of Police was examined as D.W.2. Even at the time of filing I.A. No.15/2024, the petitioner did not want to examine the witness Sub-registrar Thiru. Thanumoorhty on his side. Further, the petitioner has suppressed the fact that already witness batta paid to the witness. Already ten years have passed. Both parties are filing petition after petition to delay the trial. Therefore, this Court finds that there is no bonafide reason on the part of the petitioner to examine the witnesses. On the other hand, the antecedents of the petitioners would shows that the petition is filed with an intention to delay the trial. Therefore, this Court is not inclined to allow this petition. Accordingly, the petition is dismissed.

In the result, the petition is dismissed. No costs.

Dictated to the steno-typist, transcribed by her corrected and pronounced by me in open Court on this the 31<sup>st</sup> day of July 2024.

PRINCIPAL DISTRICT JUDGE,  
KARUR.