

IN THE COURT OF THE DISTRICT AND SESSIONS JUDGE, KARUR

PRESENT:- THIRU.K.H. Elavazhagan, B.Sc., M.L.,

DISTRICT AND SESSIONS JUDGE

Thursday, the 05th day of March 2026

I.A.No.105/2026 In O.S.No.118/2018

S.Thilagavathi

... Petitioner/ 20th defendant

vs.

1) Idol of Anooramman
2) Idol of Jayamkondamman
Rep. by its Trustees
No relief claimed against
any other defendants

... Respondents / Plaintiffs

This petition coming before me for final hearing today in the presence of Thiru.M.Kanagaraj, advocate for the petitioner and Thiru K.Nagarajan advocate for the respondents and upon hearing the arguments on both sides and having stood over for consideration till this day, this Court passed the following

ORDER:-,

The petitioner has filed this petition under Sec.151 of CPC seeking to reopen the D20 side witness.

Brief facts of the affidavit averments would run is as follows:-

2) The petitioner is the 20th defendant. She has entered in the present suit only recently. Based upon the pleadings in her written statement, they wanted the plaintiff side witnesses to be cross examined for proper adjudication of the case. They wanted Mr.C.Devasenathipathy, to be cross examined as he is the person who was selected as the Chairman of the Board of Trustees as expressed in the plain and plaint documents. But, Mr.Senthilnathan, who adduced witness as PW1 came and was cross examined on 02.03.2026. The very next day, the defendants side evidence

was closed by this Court for out non appearance. Their absence on that day was neither willful nor wanton. Hence this petition to reopen the petitioner/20th defendant side further evidence.

3) On the other hand, the respondent/plaintiffs side counsel endorsed as without prejudice the averment petition may allowed.

4) On the both sides no oral evidence were adduced and documents were marked.

5) The point for consideration is

- 1) Whether the petitioner has shown sufficient cause to allow this petition?
- 2) Whether this petition has to be allowed or not?

ANSWERING TO THE POINTS No.1 AND 2 :-

6) I have perused the records.

7) According to the petitioner, the petitioner is the 20th defendant. The petitioner has entered in the present suit only recently. Based upon the pleadings in her written statement, they wanted the plaintiff side witnesses to be cross examined for proper adjudication of the case. They wanted to be cross examined the Chairman of the Board of Trustees as expressed in the plain and plaint documents. But, Mr.Senthilnathan, who adduced witness as PW1 came and was cross examined on 02.03.2026. The very next day, the defendants side evidence was closed by this Court for their non appearance. Their absence on that day was neither willful nor wanton. Hence this petition to reopen the petitioner/20th defendant side further evidence.

8) On the other hand, the respondents/plaintiffs side counsel endorsed as without prejudice the averment petition may allowed.

9) On perusal of records, the petition has filed by the 20th defendant to reopen the petitioner/20th defendant side further evidence. Further in CR.P.

(MD)No.206 of 2022 the Hon'ble Madurai Bench of Madras High Court on 28.10.2024 directed to dispose this suit within a period of nine months. The same was received by this Court on 19.03.2025. Furthermore, in SLP.No.59777/2024 which was filed against the order passed in 209/2022 by the Hon'ble High Court of Judicature at Madurai. The same has been dismissed by the Hon'ble Supreme Court of India.

10) Further regard to the age of the suit, the Hon'ble Supreme Court has order the Trial Court to dispose the same expeditiously. In this suit on the side of the plaintiffs P.W.1 was examined and Ex.A1 to Ex.A12 were marked. On the other hand, on the side of the Defendants D.W.1 to D.W.66 witnesses were adduced and Ex.B1 to Ex.B340 documents were marked. Having regard to the age of the suit and the direction of the Hon'ble Supreme Court of India and High Court of Madras this Court has conduct the suit in day to day basis. The petitioner/20th defendant side evidence was closed by this Court due to her non appearance. Further, this Court is inclined that the parties should be given fullest opportunity to substantiate the case. Therefore, in order to give an opportunity to the petitioner/20th defendant and in the interest of justice this petition has to be allowed. Having regard to the age of the suit this petition is liable to be allowed on condition and points 1 and 2 are answered accordingly.

In the result, this petition is allowed on condition. Thereby the petitioner/20th defendant is directed to produce all the evidence on or before 07.03.2026, failing which the petition shall stand dismissed. Call on 07.03.2026.

Dictated to the steno typist, typed by him directly on computer corrected and pronounced by me in open Court on this the 05th day of March 2026.

**DISTRICT AND SESSIONS JUDGE,
KARUR.**