

IN THE COURT OF THE DISTRICT MUNSIF, KUMARAPALAYAM

Present: Selvi. T. Naveena B.com, L.L.B (Hons).,

District Munsif,

Kumarapalayam.

Thursday the 04th day of December 2025

I.A. No.6/2025 AND I.A. No.7/2025

IN

O.S. No.07/2020

Ramayee

...

Petitioner/Plaintiff

/Vs/

1. Dhanapal

2. Subathradevi

...

Respondents/Defendants

This Petition came up before this court for final hearing on on 24.11.2025 in the presence of Tr. V.S. Loganathan, Advocate for the Petitioner/Plaintiff and Thiru. V. Sivasubramanian, Advocate for the 2nd Defendant and 1st Defendant had set exparte, and upon perusal of material records and having stood over for consideration till this date, this court delivers the following:

COMMON ORDERS

This petition has been filed under Section 151 CPC and under Order XVI Rule(1) and Section 151 of Code of Civil Procedure

1. BRIEF FACTS OF THE PETITION WOULD RUN AS FOLLOWS:

The above suit has filed the petitioner for the relief of Declaration and Permanent Injunction. The suit has been posted for arguments after the examination of witnesses. While preparing for argument, the petitioner came to know that Patta has been issued to respondents for the subdivision regarding the suit property. The petitioner has issued a legal notice dated 19.11.2019 to the VAO and Tahsildar regarding the same. Thus, the petitioner has filed this petition to summon the VAO and Tahsildar to examine them as petitioner's witnesses and to mark relevant documents and to reopen the plaintiff side evidence in order to examine the VAO and

Tahsildar.

2. BRIEF FACTS OF THE COUNTER STATEMENT FILED BY THE 2ND RESPONDENT AND WOULD RUN AS FOLLOWS:

The 2nd respondent denied all the allegations made by the petitioner except those admitted as true. The petitioner has closed her evidence on 03.09.2024. The petitioner would have taken steps to examine VAO and Tahsildar after the examination of PW2. The petitioner has not taken steps to examine VAO and Tahsildar even after closing of respondent's side evidence on 25.07.2025. The above suit has been posted of arguments from 05.08.2025. The petitioner was not ready to make his arguments, inspite of several adjournment and the respondent argued the case on 30.10.2025.

The petitioner has not taken steps to examine the proposed witnesses and has filed this petitions to drag on the proceedings endlessly. The document that the petitioner wants to mark through witnesses is a Lawyer's Notice dated 19.11.2019, regarding which evidence has been already been let in by the petitioner and marked as Ex.A3. Hence there is no need to examine the witnesses for the same. The petitioner has not given the particulars of other documents to be marked through VAO and Tahsildar and without giving the said particulars, the witnesses cannot give evidence.

The petitioner has not provided sufficient cause to summon the proposed witnesses and the reason as to why they were not included in the list of witnesses and the petition lacks particulars of documents to be marked through the witnesses. Therefore, the respondent prayed to dismiss the petition.

3. ISSUES: Whether or not the plaintiff side evidence shall be re-opened and the VAO and Tahsildar be summoned for examination as witnesses?

4. DISCUSSION:

Heard. Records perused. The above suit has been filed by the petitioner for the relief of declaration of title to the suit property in favour of the petitioner, for

declaration of Sale deed dated 14.11.2019 as null and void and for permanent injunction. The present petitions have been filed by the petitioner to re-open the plaintiff side evidence and to summon the VAO and Tahsildar of Kumarapalayam Agraharam Village to examine them as plaintiff side witnesses. The petitioner has pleaded that he has to examine the said VAO and Tahsildar in order to let in evidence and relevant documents regarding the Patta issued for the sub-division of the suit property in the respondent's name.

The contention of the respondent is that the petitioner has not stated the details of the documents that are to be marked through the proposed witnesses and that the petitioner has filed the present petition to delay the suit proceedings without providing sufficient cause as to why the petitioner has not included the proposed witnesses in the list of witnesses.

From the perusal of records, this court is of the opinion that the examination of the proposed witnesses and the evidence regarding the said Patta regarding the subdivision of the suit property issued in the respondents name is vital to elucidate the case of the petitioner. Thus in order to provide another opportunity to the petitioner for fair trial, this court is of the opinion that the petitioner shall be allowed to examine VAO and Tahsildar and plaintiff side evidence be reopened for the said examination. As rightly pointed out by the respondent, the petitioner has not stated the documents that he intends to bring on case records through the proposed witnesses, namely VAO and Tahsildar of Kumarapalayam Agraharam Village.

The petitioner shall not be deprived of his right of fair trial due to the above said reason and is therefore directed to pay batta to the VAO and Tahsildar of Kumarapalayam Agraharam Village with the details of the documents that the petitioner intends the proposed witnesses to produce. Considering the delay caused by the petitioner and the reason substantiated that the proposed fact had come to the knowledge of the petitioner only after the suit was posted for argument, this court is inclined to impose a cost of Rs.1,000/- with regard to the wanton delay caused by the

petitioner.

In the result, the above petitions are ALLOWED. A cost of Rs.1,000/- shall be paid to the respondents on or before 10.12.2025, failing which this petition shall stand dismissed automatically.

Dictated by me to the Steno-Typist and has been typed in the computer directly, corrected and pronounced by me in the open Court on 4th day of December 2025.

District Munsif,
Kumarapalayam.

PETITIONER SIDE DOCUMENTS Nil

RESPONDENT SIDE DOCUMENTS Nil

District Munsif,
Kumarapalayam.

Fair/Draft orders
IA.6,7/2025 IN
OS.No.07/2020
Date:04.12.2025