



**IN THE COURT OF THE DISTRICT MUNSIF OF UDHAGAMANDALAM,
THE NILGIRIS**

Present: **Thiru. L. PRAKASH, B.Sc., B.L.,**
DISTRICT MUNSIF, UDHAGAMANDALAM.

Wednesday, the 15th day of July 2026

I.A. No. 03 of 2026
in
O.S. No. 41 of 2020
(C.N.R. No. TNNS030 - 00065 - 2020)

1. N. Subramani @ Doddanna

2. N. Shekar

3. N. Mani @ Jaan

... Petitioners/Defendants

/VS/

H. Krishnan

... Respondent/Plaintiff

This petition came on 23.06.2026 for final hearing before me in the presence of Mr. T.K. Devaraj, learned Counsel for the Petitioners/Defendants and of Mr. Patel T. Srinivas, learned Counsel appearing for the Respondent/Plaintiff, upon considering case records carefully, this court passes the following:

ORDER

1. The petitioners/defendants have filed this petition under Section 151 of the Code of Civil Procedure seeking to reopen the defendants' side evidence and permit them to adduce further evidence.

**Gist of petition and affidavit:**

2. The petitioners state that the evidence on both sides has already been closed and the suit was posted for arguments. According to them, certain material evidence still remains to be adduced on their side and unless an opportunity is granted to reopen the case and permit them to let in further evidence, they would suffer irreparable loss and hardship. They further contend that no prejudice would be caused to the respondent/plaintiff if the petition is allowed. Hence, they pray that the case may be reopened and they may be permitted to adduce their side evidence.

Counter statement:

3. The respondent/plaintiff has endorsed "No Counter" to the petition. Therefore, there is no serious objection from the side of the respondent/plaintiff for allowing the petition.

Point for Consideration:

4. Heard the learned counsel appearing for the petitioners and the respondent. The petition, affidavit and the records of the case were perused. The point that arises for consideration in this petition is: ***"Whether the petitioners/defendants have made out sufficient grounds to reopen the defendants' side evidence and whether the petition is liable to be allowed?"***

Discussion:

5. On a perusal of the records, it is seen that the present suit was instituted in the year 2020. The plaintiff's side evidence was completed and closed on 28.01.2025. Thereafter, the suit was successively posted for the defendants' side evidence on 03.02.2025, 18.02.2025, 20.03.2025 and 11.06.2025. On 11.06.2025, when the matter was called, the learned counsel appearing for the defendants reported



"No Instructions". Even after the defendants were called, there was no representation on their behalf. Consequently, the defendants' side evidence was closed and the suit was posted for arguments.

6. Thereafter, the arguments on the plaintiff's side were heard. Since there was no representation on behalf of the defendants even at the stage of arguments, the defendants' side arguments were treated as "Not Heard" and the matter was reserved for judgment. At that stage, while preparing the judgment, this Court noticed certain defects in the amendment already carried out in the plaint, which required clarification. Therefore, in order to avoid any ambiguity in the final adjudication, the suit was suo motu reopened. Thereafter, the plaintiff filed an application seeking amendment of the plaint, which was allowed. Taking advantage of the reopening of the suit, the present petitioners/defendants filed petitions seeking reopening of the case and recall of PW1 for the purpose of further cross-examination. Those petitions were allowed in the interest of justice. Subsequently, the plaintiff carried out the amendment in the plaint and PW1 was further cross-examined by the defendants. On completion of the further cross-examination, the suit was again posted for final arguments on both sides.

7. At this stage, the present petition has been filed seeking reopening of the defendants' side evidence on the ground that certain material evidence remains to be adduced. Though the petition does not specifically disclose the nature of the proposed evidence, the respondent/plaintiff has not raised any objection and has endorsed "No Counter".

8. It is well settled that the procedural provisions of the Code of Civil Procedure are intended to facilitate the effective adjudication of disputes and not to



defeat substantial justice. At the same time, a party who has been granted sufficient opportunities cannot be permitted to prolong the proceedings indefinitely. The records reveal that several opportunities had already been afforded to the defendants to adduce their evidence. Nevertheless, since the plaintiff has not opposed the present petition and the matter can be decided more effectively after giving one final opportunity to the defendants, this Court is of the considered view that the petition can be allowed, subject to payment of costs and with a clear direction that no further adjournment shall be granted for adducing the defendants' evidence. Such a course would subserve the ends of justice without causing prejudice to the respondent/plaintiff.

Result:

9. In the result, this petition is allowed, subject to the petitioners/defendants paying costs of Rs.500/- (Rupees Five Hundred only) to the respondent/plaintiff on or before 20.07.2026.

10. For compliance call on 20.07.2026.

This order is dictated by me to the steno typist, transcribed by her, corrected and pronounced by me in the open court on this the 15th day of July 2026.

**District Munsif,
Udhagamandalam**



Draft/ Fair Order:

I.A. No. 03/2026
in
O.S. No. 41/2020

Dated: **15.07.2026**

**District Munsif,
Udhagamandalam.**