

**IN THE COURT OF PRINCIPAL DISTRICT
JUDGE, RAMANATHAPURAM.**

**PRESENT: THIRU.A.K. MEHBUB ALI KHAN, B.L.M.,L.LM.,
PG.D.PM/IR.Dip.in.J.J & J.Psy., PG.DDF.,
Principal District Judge, Ramanathapuram.**

Tuesday, the 22nd day of July 2025

**I.A.No. 6/2025 , I.A.No.7/2025 and I.A.No.8/2025
in
O.S.No. 25/2023**

I.A.No.6/2025, I.A.No.7/2025 and I.A.No.8/2025

Mathivanan ... Petitioner/Defendant

-vs-

1. Asokamala

2. Parvathi @ Vanaja

3. Vijalakshmi ... Respondents/Plaintiffs

These petitions came on 16.07.2025 before this Court for final hearing in the presence of Thiru.R.Rajagandhi, Advocate for the petitioner/defendant and Thiru.R.Narayanan, Advocate for the respondents/Plaintiffs and on heard their arguments and on perusal of records, this Court delivers the following:

COMMON ORDER

Petition in I.A.6/25 is filed u/s.151 of CPC to re-open the defendant's side evidence.

Petition in I.A.7/25 is filed under Order 18 , Rule 17 and section 151 of CPC to re-call the DW1.

Petition in I.A.8/25 is filed under Order 8, Rule 3(A)(1) of CPC to receive additional documents.

2. The case of the petitioner/defendant in brief:

The defendant is the petitioner in all three petitions. The respondents/plaintiffs have filed a suit for partition of the suit properties. After completion of the plaintiff's side evidence, the defendant was examined as DW1. The suit has posted for further defendant's side evidence on 06.03.2025. The plaintiff's mother Kaliyammal and father Nagamuthu along with the defendant's sister and the children of the plaintiffs all lived together jointly and family card was issued, showing the said Kaliyammal has head of the family. In the said family card, the name of the defendant is also included. Further, the property tax receipt was issued by Devipattinam Panchayat. These two documents are necessary to establish that this defendant resided with plaintiff's parents and them. So these two documents have to be filed before the court and this defendant must let in evidence in respect of the said two documents. The delay in producing the documents has to be condoned and no prejudice would be caused to the respondents if the delay is condoned. Therefore, he prays to re-open the defendant's side evidence and to re-call DW1 and also to receive the two documents now filed on his side and permit him to examine him and mark the said two documents.

3. The case of the respondents /Plaintiffs in brief:

The respondents /plaintiffs in all the three petitions have stated that DW1 was examined elaborately in chief and cross and he need not be re-called to be examined again. The petitioner contention that the documents were received only now are false and this petition to receive additional documents is filed without valid reasons. These respondents objected to file xerox copies of the documents and the copies of the documents are not given to the respondents. These petitions are filed as an after thought and the allegations that these petitioner resided along with respondents' mother Kaliyammal and looked after her are all false. There is obsolete no necessity to re-open or re-call DW1 and the documents now filed cannot be received.

5. Point for consideration in this petition is, “*Whether these petitions be allowed*”

6. Answer to Point.

The learned Counsel for the petitioner contended that these documents are important documents and unless there are received by the Court he would be put to irrepealable loss and hardships.

7. Per Contra, the learned Counsel for the respondents contended that the documents cannot be received at this stage and so there is no need to re-call DW1.

8. It is pertinent to note that the suit is for partition and DW1 was examined and the case was posted for further evidence of defendants. The documents now sought to be produced are the family card and property tax standing in the name of Kaliyammal. Even though no reason is given by the petitioner for non-producing the documents earlier, the said documents are necessary to put forth the case of the defendant. No serious prejudice would be caused to the respondents if these documents are received subject to proof and admissibility. They would get an opportunity to cross examine DW1 regarding these documents even if they are marked.

9. On the other hand if the petitions are dismissed, the defendant would not get an opportunity to produce the documents and thereby would be put to irreparable loss and hardships. The hardships likely to be caused to the respondents can be compensated of payment of cost.

10. Therefore, it is held that the the petitions to re-open, re-call DW1 and to receive additional documents shall be allowed on payment of cost of Rs.1000/- to the respondents in each of the petition on or before 31.07.2025, failing which these petitions shall stand dismissed. Call on 01.08.2025. This point is decided accordingly.

In the result, the petition in I.A,No.6/2025 will be allowed on payment of cost of Rs.1000/- to the respondents on or before 31.07.2025, failing which the petition shall stand dismissed. Call on 01.08.2025.

In the result, the petition in I.A,No.7/2025 will be allowed on payment of cost of Rs.1000/- to the respondents on or before 31.07.2025,failing which the petition shall stand dismissed. Call on 01.08.2025.

In the result, the petition in I.A,No.8/2025 will be allowed on payment of cost of Rs.1000/- to the respondent on or before 31.07.2025, failing which the petition shall stand dismissed. Call on 01.08.2025.

Dictated to Steno-typist, transcribed and typed by her in the computer, corrected and pronounced by me in Open Court this the **22nd day of July 2025.**

Principal District Judge,
Ramanathapuram.
22.07.2025

I. List of witnesses and Documents on the side of the petitioner: Nil

II. List of witnesses and documents on the side of the Respondents: Nil

Principal District Judge,
Ramanathapuram.
22.07.2025