

In the Court of District Munsif, Mudukulathur

Present : Ms.J.C.Aparna, B.A, L.L.B.,

District Munsif,

Mudukulathur.

Thursday the 20th day of November 2025

I.A.No.06/2025

in

O.S.No.06/2022

Ameena Beevi

....Petitioner/Plaintiff

Vs

1. Panchavarnam

2. Meenambal

3. Seyinsa Begam

... Respondents/ Defendants

This petition came on 12.11.2025 before this court for a final hearing in the presence of Thiru.G.Janakiraman, Learned Counsel for the Petitioner/Plaintiff, Thiru.M.Dharmar, Learned Counsel for the Respondents/Defendants and upon hearing both side enquiry and upon perusing the material records and having stood over till this day for consideration, this court delivered the following:

ORDER

This petition has been filed under Section 151 of CPC reopen the PW1 chief examination.

2. The contention of the Petitioner/Plaintiff in brief:-

The petitioner is the plaintiff in the main suit. The main suit is posted for the cross examination of Pw1. Meanwhile the defendants in their written statement have wrongly stated that the 3rd defendant's property is on the

northern boundary of the suit property. Some documents pertaining to the case were able to be procured only now, hence prays to reopen the Pw1 chief examination. If this petition is not allowed the petitioner will be put to irreparable loss and hardships.

3. Brief averments of the Respondents/ Defendants in brief:

The respondents deny the averments in the petition. The reason stated by the petitioner was mentioned in the written statement itself. After seeking adjournments for 3 years now that the suit is posted for cross of Pw1, this petition is filed belatedly to prolong the proceedings without mentioning the documents which are intended to be marked. Hence this petition is liable to be dismissed.

4. Point for consideration:-

Whether the petition be allowed and the relief be granted as prayed for?

No documents filed on either side. Heard both sides.

5. Answer to the Point:-

5.1. This petition is filed to reopen the chief examination of Pw1, stating that the defendants in their written statement have fraudulently mentioned that their property is situated in the northern boundary of the suit property. But the property in the northern boundary of the suit property belongs to the petitioner. The petitioner states that certain important documents were obtained only now and seeks to reopen the chief examination of Pw1 to mark the same. Whereas the respondents state that the written statement was filed in the year 2023 itself but after seeking adjournments for 3 years now this petition is filed belatedly without even mentioning the documents sought to be marked.

5.2. On perusal it is seen that the petitioner himself admits that the defendant has mentioned that the property north to the suit property belongs to him in his written statement. The written statement is also admittedly filed in the

year 2023. Also the documents sought to be marked after reopening the Pw1 chief are also not mentioned in the petition but the petitioner claims to have procured the documents sought to be produced on his side. Also seeing that this is a court of first instance, it is necessary to provide sufficient opportunities for the parties to adduce evidence to prove their case to help the court to arrive at a fair conclusion for the issue at hand. But in the case on hand, seeing there is an obvious delay, the hardships caused to the respondents should be compensated. Hence in the light of the said discussions, this petition is allowed under the following conditions, the petitioner shall pay a sum of Rs. 1000 to the respondents on or before 04.12.2025 and the Pw1 shall be present before the court for marking of the documents which he relies on the same date without fail. Failure to comply with the said conditions this petition shall stand dismissed.

6. In the result, this petition is allowed and failure to comply with conditions mentioned in the order, the petition shall automatically stand dismissed.

Directly typed by me in my official laptop and formatted by Steno Typist, corrected and pronounced by me in open court on this 20th day of November 2025.

**District Munsif,
Mudukulathur.**

Both side witnesses and documents : Nil

**District Munsif,
Mudukulathur.**