

In the Court of District Munsif, Mudukulathur

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

District Munsif,

Mudukulathur.

Friday the 13th day of March 2026

I.A.No.03/2026

in

O.S.No.51/2020

1. Muthulakshmi

2. Murugan

...Petitioners/ 4,6 Defendants

Vs

1. Gopal

2. Irulayee

...Respondents/ Plaintiffs

This petition came on 26.02.2026 before this court for a final hearing in the presence of Thiru.S.Periyasamy, Learned Counsel for the Petitioners/ 4, 6 Defendants, Thiru.K.Velusamy, Learned Counsel for the Respondents/Plaintiffs 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 defendant side evidence to examine the pattadarars surrounding the suit property as further witnesses.

2. The contention of the Petitioners/ 4, 6 defendants in brief:-

The petitioner is the 4th defendant in the main suit, he files the petition for himself and on behalf of the 2nd petitioner/6th defendant. The petitioner submitted that when the main suit was posted on 22.01.2026 for further

defendant side evidence, since the petitioner was suffering from fever, he was not able to appear before the court and this court closed their evidence. It is submitted that only by examining additional witnesses on their side they would be able to prove their case. Hence, this petition to reopen, to examine the pattadarars surrounding the suit property as further witnesses on the side of defendants or else the petitioner would be put to irreparable loss and hardships.

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

The respondents deny the averments in the petition. The main suit is filed for the relief of partition and the court fee is paid Under Tamil Nadu Court fees Act 2017, Under Section 37 (1). It is submitted that since court fee is paid Under Section 37(1), the suit property is in the possession of the defendants and there is no necessity to examine the pattadarars surrounding the suit property. Therefore, this petition is not maintainable in law. Hence prays to dismiss this petition.

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. The present petition is filed to reopen the main suit for defendant side further evidence. The petitioner states that that only by examining additional witnesses on their side they would be able to prove their case. Hence, this petition to reopen to examine the pattadarars surrounding the suit property as further witnesses. Whereas the respondents state that since the court fee is paid under section 37(1) of Tamil Nadu Court Fees and Suit Valuation Act 2017, it is clear that the suit property is in the possession of the the defendants, there is no necessity to examine the pattadarars surrounding the suit property.

5.2. On perusal of the averments on both sides, the main stand taken by the respondents/plaintiffs is that since the court fee itself has been paid Under Section 37(1) admitting that possession of the suit property is with the defendants, there is no necessity to examine the pattadarars surrounding the suit property as witnesses. On perusal of written statement filed by the defendants, it can be seen that the petitioners/4, 6 defendants claim the suit property as their absolute property by way of family arrangement. Hence considering the fact this is court of first instance, it is necessary to grant sufficient opportunity to examine witnesses on their side to establish their case. Even though the respondents/ plaintiffs take a stand that the court fee is paid Under Section 37(1) admitting possession of defendants, the petitioners/4,6 defendants must be granted sufficient opportunity to prove the stand taken by them by examining witnesses in support of their pleadings. In the light of the above discussion petition is allowed, but for the obvious delay caused to the proceedings and to compensate the hardships caused to the respondents/plaintiffs, it is trite to allow this petition on payment of cost.

6. In the result, the petition is allowed and the petitioners/4,6 defendants shall pay a cost of Rs.500/- to the respondents/plaintiffs on or before 27.03.2026 failing which this petition shall 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 02nd day of March 2026.

**District Munsif,
Mudukulathur.**

Both side witnesses and documents : Nil

**District Munsif,
Mudukulathur.**