

IN THE COURT OF THE DISTRICT MUNSIF, SANKARI

Present: Tmt. R. ELAMATHI, B.A., B.L.,
District Munsif Court, Sankari
Friday , the 5th day of December, 2025

திருவள்ளூர்வராண்டு 2056, விசுவாவசு வருடம், கார்த்திகை திங்கள் 19-ம் நாள் வெள்ளிக்கிழமை

I.A.9/2025 in I.A.6/2023 in O.S.No. 160/2015

- 1.Narayanan
- 2.Sellandi
3. Palaniyappan

... Petitioners / Respondents 1 to 3 in I.A.6/2023

//Versus//

1. Mathaiyan
2. Sakthi

... Respondents / Petitioners in I.A.6/2023

3. The District Collector, Salem
4. The Revenue Divisional Officer, Sankari
5. The Thasildhar, Sankari
6. The Village Admisitrative Officer,Kaverypatti

... Respondents/ Respondents 4 to 7
in I.A. 6/2023

This petition taken to file on 05.08.2025 and coming on this day for hearing before me in the presence of Thiru. R. Srinivasan and Thiru. R. Subramani Advocates for Petitioners and of Thiru. B. Mohan Advocate for Respondents 1 & 2 and Respondent 3 to 6 were remained exparte in I.A.6/2023 and after perusing the Petition, Counter and on hearing both sides, this Court passed the following,

ORDER

The Petitioner's have filed this petition Under Section 151 of CPC, 1908 seeking to reopen the petition in I.A.6/2023 for marking of documents and for adducing oral arguments.

DISTRICT MUNSIF, SANKARI

05.12.2025

2) The Gists of the Petition :-

1. The 3rd Petitioner submits that he is the 3rd Defendant in the suit. The Petitioner submits that filling this Affidavit for myself and also on behalf of other petitioners also. The Respondents 1 to 2 filed the suit for Permanent Injunction against the Petitioners/Respondents/Defendants 1 to 3. The Petitioner submits that Respondents 1 to 2 has filed the petition to implead the Respondents 3 to 6 as Defendants 3 to 6 in the suit. This court heard argument of both sides on 23.07.2025 and reserved orders. The Petitioner's the submits that by over site, he had not marked some vital documents which were already produced at the time of enquiry. Therefore petitioner had to mark the documents and further argued the same. Therefore it is just and necessary that this court to reopen the petition I.A.No. 6/2023 for oral arguments and for marking of documents and thus render justice.

3) The Brief of the Counter filed by 3rd Respondent :-

3.1) The Respondent submits that the present petition is neither legally maintainable nor sustainable in law. The Respondent submits that the petitioner had earlier filed I.A.No.6/2023 on 18.04.2023 seeking to implead the 1. District Collector, Salem, 2. The Revenue Divisional Officer, Sankagiri, 3. The Tahsildar, Sankagiri, and 4. The Village Administrative Officer, Kaveripatti as defendants 4 to 7 in the suit. Notice was issued to the Proposed Parties on 23.06.2023, and the petitioner filed his Counter- Affidavit on 27.06.2023. Thereafter, arguments on both sides were heard on 23.07.2025. While the orders in I.A.No.6/2023 were reserved and later adjourned to 05.08.2025, the petitioner filed I.A.No.9/2025 seeking re-opening alleging that certain important documents were inadvertently omitted in I.A.No.6/2023. From the stage of filling I.A.No.6/2023 till the date of adjournment of orders, several

opportunities were already granted. The petitioner is intentionally delaying the proceedings by filing this re-opening petition without any valid reason. Hence, there is no legal basis to entertain this petition and prays for dismissal with exemplary cost.

4) No oral documentary evidences were adduced on both sides.

5) **Point for Consideration :-**

Whether the petitioner is entitled for the relief as prayed for?

6) Heard both sides Learned Counsels. Record perused. The Petitioners have filed this petition Under Section 151 of CPC, 1908 seeking to reopen the petition in I.A.6/2023 for marking of documents and for adducing oral arguments. The case of the petitioner's is the respondents 1 and 2 filed the suit for Permanent Injunction against these petitioners and also filed I.A.6/2023 to implead respondents 3 to 6 as defendants. The arguments in I.A.6/2023 was heard on 23.07.2025 and orders were reserved. The Petitioners submits that due to bonafide oversight, certain vital documents which were already produced at the time of enquiry, which could not be marked at the time. The petitioner's further submits that since those documents are essential for proper adjudication of I.A.6/2023, this petition is filed seeking reopen of I.A.6/2023 for marking of the document and to advance further oral submissions.

6.1) On the other hand the counsel for respondents stoutly oppose that the petition is not maintainable. The petitioners were given several opportunities from the date of filing I.A.No. 6/2023 till the date of reserving orders. Filing the present reopening petition after orders were reserved amounts to delaying the proceedings. Hence this court is not require to reopen the petition in I.A.6/2023 in the absence of sufficient cause. Hence prayed for dismissal of the petition.

6.2) Upon careful consideration of contention of bothsides, it is admitted that arguments in I.A.6/2023 were heard and order were reserved 27.03.2025. It is also not disputed that the petitioners had already produced certain documents before the court during enquiry of the said Interlocutory Application. The reason assigned by the petitioners is that due to oversight those documents could not be formally marked. On perusal of records and as per contentions of the respondents/plaintiffs it is seen that multiple opportunities has been given for respondents side enquiry in I.A.6/2023 and also the petitioner has not clearly mentioned about which are the vital document is to be marked in I.A.6/2023. Although the petitioners have not sought to introduce new documents but only seek permission to marked documents that were already placed before the court. The power to reopen proceedings is inherent Under Section 151 of CPC and can be exercised to prevent miscarriage of justice. The Hon'ble Supreme Court has repeatedly reiterated that technicalities should not prevail over the substantive justice. If the material documents are already on record but remained unmarked the court must adopt a liberal approach. Based upon the discussion made above this court is of considered opinion as marking of documents which are already produce will not prejudice the respondents/plaintiffs in any manner. On the other hand denying the petitioners opportunity to mark essential documents would seriously affect a just adjudication of I.A.6/2023. The reopening sought is limited, bonafide and necessary for proper disposal of I.A.6/2023.

7) In the result this Interlocutory Application is allowed. No cost.

This order directly typed by Steno-Typist and corrected by me, and Pronounced in the Open Court in the 05th day of December, 2025.

**District Munsif,
Sankari.**

Encl:

Petitioner side Witnesses & Exhibits:- NIL

Respondent side Witnesses & Exhibits:- NIL

**District Munsif,
Sankari.**

District Munsif Court, Sankari.
Draft / Fair Order
IA No.9/2025 in
O.S. No.6/2023
Date: 05.12.2025
