

IN THE COURT OF SUBORDINATE JUDGE, METTUR  
Present: Thiru. R.Saravana Babu,B.A., L.L.B.,  
Subordinate Judge, Mettur  
Monday, the 08<sup>th</sup> day of September 2025  
I.A.No:2 of 2024  
in  
O.S.No. 7 of 2020

Kandayee

... Petitioner /Plaintiff

/Versus/

1. Ramasamy
2. Govindammal
3. Alamelu

... Respondents/ Defendants

This petition is coming on 07.08.2025 for final hearing before me in the presence of Thiru. M.Jayachandran, advocate appearing for Petitioner /Plaintiff and Thiru.B.Balamurugan advocate appearing for Respondents/ defendants, upon perusing material papers, documents and hearing both side arguments and having stood over for consideration of this court till this day, the court delivers the following:

**ORDER**

The Petitioner has filed this petition Under Section 151 of CPC to reopen the plaintiff side evidence.

**2. The Brief facts of the Petition is as follows:**

The petition has been filed by the petitioner Under Section 151 of CPC to reopen the plaintiff side evidence. It is further stated that on 27.07.2023, the case posted for further evidence but he was not able to produce his evidence and the same has been closed on that day. Hence, the petitioner has prayed to allow this application to reopen his evidence.

**3. The nutshell of the Counter Statement is as follows;**

The respondent has resisted the petition stating that it is false and frivolous. The respondent has specifically stated that the petitioner has given sufficient opportunity to produce his evidence but the petitioner was failed in all occasions and he has filed this application only to drag the case. The respondent has further stated that the case has been already posted for arguments from 03.06.2024 and the petitioner has learnt that he has no chance of winning the case and filed this petition without any reason. Hence, the respondent has prayed to dismiss the petition with cost.

**4. The Point for determination is whether the petition filed by the petitioner Under Section 151 of CPC is deserves to be allowed or not?****5. Point:**

(i) This court has considered the rival submissions made by the both counsels.

(ii) The suit has been filed by the plaintiff for the relief of partition and separate possession. The petition has been filed by the plaintiff/petitioner Under Section 151 of CPC. The case has been posted on 27.07.2023 to produce the plaintiff side further evidence. The petitioner is having further evidence to produce on his side. Hence, the petitioner prayed to allow his application.

(iii) The same has been resisted by the respondent stating that the petitioner has given sufficient opportunities to produce the further evidence but in order to drag the proceedings, the petitioner wantonly failed to produce the further evidence. Therefore, the respondent has prayed to dismiss the petition.

(iv) It has been found that on 27.07.2023, the petitioner has miserably failed to produce the further evidence. Considering the nature of the case and circumstances, in order to decide the dispute between the parties and also giving an opportunity to the petitioner to produce the further evidence to put forth his side.

Therefore, this court is inclined to allow this application with condition. Therefore, the petitioner is permitted to reopen the plaintiff side evidence on condition that the petitioner/plaintiff has to pay a sum of Rs.1000/- to the respondent directly on or before 14.10.2025, if the petitioner has failed to pay the cost, the petition shall be dismissed automatically on 14.10.2025.

In the result, the petition is allowed on merits with cost.

Dictated by me to Steno-Typist and typed by her directly in computer, and corrected and pronounced by me in the open court, this the 08<sup>th</sup> day of September 2025.

**Sd/-Saravana Babu  
Subordinate Judge,  
Mettur**

**Petitioner /Plaintiff side witness and documents: Nil.**

**Respondents/ Respondents side witness and documents: Nil.**

**Sd/-Saravana Babu  
Subordinate Judge,  
Mettur**