

IN THE COURT OF DISTRICT MUNSIF, METTUR, SALEM DISTRICT

Present: **Thiru. M.Selvam, B.A., B.L.,**

District Munsif, Mettur

Wednesday, this the 29th day of October 2025

I.A.No. 13 and 14 of 2025

in

O.S. No. 91 of 2015

(CNR.No. TNSA17-000021-2015)

Kousicraj

...Petitioner/Plaintiff

-Vs-

1. Saravanan

2. The District Collector, Salem

3. The Tahsildar, Mettur

...Respondents/Defendants

These petition are heard in the presence of Mr. N. Manikandan., M.A., B.L., the Learned counsel for the Petitioner/Plaintiff and Mr. P. Kathiravan, B.A., B.L., the Learned counsel for the 1st Respondent/1st Defendant and Mr. S. Harinarayanan., the Learned Government Pleader appearing for the 2nd and 3rd Respondents/2nd and 3rd Defendants. Enquiry heard and having stood over for my consideration till this day, this court delivered the following,

COMMON ORDER

These petitions are filed by the petitioner/plaintiff to recall the PW1 and reopen the plaintiff side evidence for marking further documents.

1. Brief facts in the petitions are as follows:

1.1. The petitioner is the plaintiff in the original suit and the same was filed for the relief of declaration and permanent injunction. The case was posted for

arguments. At this time, the petitioner counsel had instructed him to produce the documents about his title and water tax receipts in order to prove the pipe line in the suit pathway in Survey no. 284/2B11B. The partition deed is executed on 2021 only. The said deed is essential one to prove his title in the suit property. Hence, this petition.

2. Brief facts in the Counters filed by 1st respondent/1st defendant are as follows:

2.1. The 1st respondent/1st defendant denied the averments made by the petitioner in his affidavit. The petitioner had filed this petition by suppressing and hiding all the real facts and to get some illegal gain to mark some documents as exhibits in the belated stage of the case. The alleged partition deed was presented for registration on 17.11.2020 and registered in document no. 7100/2020, but in the petition it was stated as 2021. On perusal of the date of closure of the plaintiff side evidence, it shows that the petitioner had stated false reason. The document was in the custody of the petitioner before the plaintiff's side evidence is closed. Because the plaintiff side evidence is closed only on 09.10.2023.

2.2. The water charges receipt for the year 2017 – 2022 was already in the custody of the petitioner at the time when the case was posted for petitioner side further evidence. The petitioner had wantonly failed to produce the above documents. Hence, this petition is liable to be dismissed.

3. The 2nd and 3rd respondents endorsed to pass orders on merits.

4. No oral and documentary evidence on either side.

5. Point For Consideration:-

(i) Whether these petitions have to be allowed or not ?

6. Both side rival submissions heard with regard to their pleadings and perused the materials on record. The original suit is filed by the petitioner/plaintiff for the relief of declaration, to declare his right of enjoyment in the suit 1st item of property and drinking water pipe line in the suit 2nd item of property and for mandatory injunction to direct the defendants 2 and 3 to modify the Survey no. 284/2B11B at the suit village as cart track and to direct the 1st defendant to remove the water pipe line laid by him therein and consequential relief of permanent injunction. The stage of the case is for defendant side arguments. At this juncture, this petition is filed by the petitioner/plaintiff to recall the PW1 and to reopen the plaintiff side evidence to mark certain exhibits, which was the partition deed of himself and water charges receipts.

7. It is the contention of the petitioner that the said documents are essential to prove his title and to prove the existence of the pipe line in Survey no. 284/2B11B. Per contra, the respondents had objected this petition that the said documents are already available in the hands of the petitioner before the plaintiff side evidence is closed.

8. On perusal of the case records, it shows that the petitioner herein was examined as PW1 on 04.01.2020 and the cross examination of PW1 was completed on 30.08.2023. Subsequently, the plaintiff side further evidence was closed on 09.10.2023. Admittedly, the said documents, which was to be marked on the side of the petitioner in the original suit was in his custody in the said period. But he had not taken any steps to produce the same. No plausible reason was adduced by the petitioner herein for the non production of the said documents at that point of time. It is no doubt, the main suit was not yet decided and the same was pending for adjudication. The petitioner had also produced the

documents along with this petition, which is sought to be marked. At this juncture, this court forms opinion that dismissing this petition on this ground alone would not advance the interest of justice to either side.

9. Further, considering the nature of the claim of the petitioner in the original suit, this court forms opinion that one final opportunity can be given to the petitioner to establish his case. No prejudice would be caused to the other side if this petition is allowed. At the same time, the delay caused to the respondents herein has to be certainly compensated to the manner known to law. Therefore, this court is inclined to allow these petitions on payment of cost.

In the result, these petitions are doth allowed and ordered as follows:

(i) It is hereby ordered to pay a sum of Rs. 1,500/- to the 1st respondent/1st defendant and Rs. 1000/- to the District Legal Service Authority, Salem on behalf of the 2nd and 3rd respondents/2nd and 3rd defendants as cost on or before 10.11.2025, if not, these petition stands dismissed.

(ii) Since, the matter is of the year 2015, the parties are directed that, not to seek unwarranted adjournments. For compliance call on 11.11.2025.

This order is typed by me in my official laptop, corrected and pronounced by me in open court on this 29th day of October 2025.

**District Munsif,
Mettur**

Both side witnesses and documents: Nil

**District Munsif,
Mettur**