

IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI

PRESENT : Tmt.R.PREMI, B.A., L.L.B., (Hons).,

District Munsif, Devakottai

Monday, the 6th day of October, 2025

I.A.No.22/2023

in

O.S.No.82/2011

1. Joshua

2. Chinnathambi

...Petitioners

-Vs-

1. Arumainayagam

2. Das

3. Panchavarnam

4. Jayarani

...Respondents

This petition is coming before me for final disposal in the presence of Thiru.N.Sekar learned advocate for the Petitioners, whereas R1 and R2 was died, and Thiru.S.Sornaprakash learned advocate for the R3 and R4, Thiru.V.Sundar learned advocate for the R5 to R7. Having heard of both side enquiry and upon perusing the documents, this court do hereby pronounce the following...

ORDER

The petition is filed under Order XVIII Rule 17 and Section 151 of CPC

1. The averments in the petition are as follows:

The petitioner is the second plaintiff in the main suit. The petitioner claims that the main suit has come up for the stage of trial and the plaintiff side

evidence has been closed. The petitioner says that the suit property along with the other undivided hindu family property existed in their grandfather Muniyandi's name. After that, all the properties were partitioned among the petitioner and his brothers in which the suit property was assigned to the father of the petitioner, Mr. Sami udayan. The same was admitted by the second witness on the defendant side, Mr. Arulandhu in his cross examination. The petitioner claims that two documents one executed by his father's brother, Mr. Chinna Muthu, and another one executed by the said Chinna Muthu's legal heirs Konalingam and Indrani stating that the suit property along with other properties shall be enjoyed by the first plaintiff Joshua was received by the petitioner now only. The petitioner claims that the above said documents are very much important to prove that the suit property has been in their possession. Hence, he prays that it becomes important to reopen the evidence on the plaintiff's side so as to recall himself to be examined again and mark these documents. Hence, he prays for the petition to be allowed.

2. Averments in the counter are as follows:

The respondent is the fourth defendant in the main suit. He is filing this counter also on behalf of the third defendant. The respondent claims that the suit was filed by the plaintiffs in the year of 2011, and the same has been kept pending for over 13 years by filing various interim applications and has been causing disturbance to the respondent and have been wasting the court's time. He also claims that evidences on both the sides have become over and the stage has come up for arguments. In the meanwhile, the petitioner has filed this petition to produce two documents which were unregistered and executed by people who are not parties to the suit with an intent to delay the proceedings. The petitioner

has also not provided any valid reason for producing the documents with such delay and has also not mentioned about the same in his plaint or in his witnesses. Since the said documents are forged and are unregistered, the same cannot be marked as an exhibit. Hence, he prays for the petition to be dismissed.

3. Now the question to be decided is whether the petition has to be allowed or not?

Petition and counter perused. Enquiry heard on both sides. The petition has been filed to recall the plaintiff side witness PW1 so as to enable the plaintiff to mark the two documents which the petitioner claims that he has received the same now only and that he couldn't receive the said documents earlier. The respondent denies all the averments in the petition stating that the petition has been filed for the purpose of dragging on the case without any merits and since the documents are unregistered, the same cannot be received and hence he prayed for the petition to be dismissed. On perusal of records, it becomes clear that both the evidences on the plaintiff and the defendant side were closed and the suit was put up for the stage of arguments, when the petitioner has filed this petition to receive these documents. It is true that every party must be given a reasonable opportunity to be heard to put forth his case before this court, so to enable the court to decide the case on merits without any delay. Since the petitioner claims that these documents are important to prove his possession and also the petition to reopen the evidence on the plaintiff side was allowed by the court on this very same day. In the interest of justice, this petition is here by allowed with no cost.

4. Decision

In the end, this petition is here by allowed with no cost.

This Order was dictated by me, typed by the steno-typist, corrected by me and pronounced by me in the open court on 6th day of October 2025.

**District Munsif,
Devakottai.**

Annexures:

List of witnesses on the side of the Petitioners-Nil-

List of documents on the side of the Petitioners -Nil-

List of witnesses on the side of the Respondents-Nil-

List of documents on the side of the Respondents-Nil-

**District Munsif,
Devakottai.**

**District Munsif Court,
Devakottai**

IA.No.22/2023

in

OS.No.82/2021

Dated: 06.10.2025

Draft/Fair Order
