IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI

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

District Munsif, Devakottai

Wednesday, the 15th day of April, 2026

IA.No.15/2026

in

OS.No.110/2015

1. Muthuramalingam
2. Perumal
3. Karuppaiah …Petitioners

-Vs-

Muthaiah …Respondent

This petition is coming before me for final disposal in the presence of Thiru.M.Sornalingam learned advocate for the Petitioners, Thiru.V.Sundar learned advocate for the respondent. Having heard of both side enquiry and upon perusing the documents, this court do hereby pronounce the following…

O R D E R

The petition is filed under 151 of CPC

1. The averments in the petition are as follows:

The petitioner is the defendant in the main suit. He is filing the petition also on behalf of the other defendant. The main suit has come up for the stage of defendant side evidence. In the meanwhile, since the defendants were residing out of station due to work, they were not able to appear before the court to put forth their evidence and hence was also unable to inform their advocate. Hence

the defendants have been set ex-parte in the main suit. The petitioner states that it is important for him to put forth his evidence before the court only then he could prove his case. Hence the petitioner has filed a petition to reopen the defendant side evidence which was closed for their non-appearance, so to enable them to put forth their case before the court. The petitioner states that if the petition is not allowed, they would be subject to irrepairable loss and injury. Hence he prays for the petition to be allowed.

2. Averments in the counter are as follows:

The respondent has denied the contentions of the petition and has stated that the petition has been filed stating false particulars. Respondent states that the petitioners were given sufficient opportunities to put forth their evidence before the court, but they did not come forward to do the same. This being so, the petitioners have filed the petition without any basis, requesting to give them another opportunity is not acceptable. The act of the petitioner shows the negligent act of the petitioners. The petition has been filed to waste the time of the court. Hence he prayed 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 reopen the defendant side evidence which was closed by the court due to their non-appearance. The petitioner has stated the reason as they were out of station due to work. On the other hand, the respondent has denied the contentions of the petition and has stated that the petitioners did not appear despite giving many opportunities and has filed the petition now to waste the court's time. Hence he prayed for the petition to be dismissed. Both side averments perused. On perusal of records it becomes clear that in the main suit,

the plaintiff side evidence was closed on 02/02/2026, and the suit has been posted for defendant side evidence on the same day. Following that several opportunities were given to the defendant to put forth their evidence on 05/02/2026, 13/02/2026, 20/02/2026, 26/02/2026, and 03/03/2026, and since the defendant did not come forward to represent the case or to put forth his evidence and the case was left for no representation on the defendant side, the defendant side evidence was suo-moto closed by the court on 03/03/2026. It becomes clear that the sufficient opportunity has been given to the defendant yet the defendant did not represent his case. This being so the petitioner/defendant has filed this petition, now. The reason stated by the defendant for non-appearance is satisfactory. It is important to give every person a reasonable opportunity to be heard to put forth their case before the court, to enable the court to decide the case on merits without any undue delay. The principal of natural justice "Audi alteram partem" demands the same. Hence the court is inclined to allow his petition to give the petitioner one more opportunity to put forth his case. But considering the fact that the suit has been filed in the year of 2015, and it has been a decade since the suit has been instituted, the act of the petitioners/defendant is to be condemned. Hence the court here by imposes a cost of ₹500 on the petitioner to be paid to the respondent on the next hearing and the defendant/respondent is here by directed to conduct the case in a diligent manner without any undue delay and without getting any unnecessary adjournments. Also, the petitioner is hereby instructed to not cause any further delay in conducting the suit. Hence in the interest of justice, this petition is allowed with the cost of ₹500.

4. <u>Decision</u>

In the end, this petition is allowed with the cost of ₹500.

This Order was dictated by me, typed by the steno-typist, corrected by me and pronounced by me in the open court on 15th day of April 2026.

PREMI R Digitally signed by PREMI R Date: 2026.04.15 16:46:53 +0530

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 Respondent-Nil-

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

PREMI R Digitally signed by PREMI R Date: 2026.04.15 16:46:58 +0530

District Munsif,

Devakottai.