

IN THE COURT OF DISTRICT MUNSIF, BODINAYAKANUR.

PRESENT: Thiru.A.Mohamed Hashim, B.A., B.L.,
District Munsif,
Bodinayakanur

Friday, the 17th day of April 2026

IA.No.14, 15/2026

in

OS No.99/2019

1. Varadarajan
2. Tilakar
3. Sethuraman
4. K.M.Murugesan
5. Kamuthai
6. Varadarajan

... Petitioners / Plaintiffs

-Vs-

1. The Tahsildar,
Bodinayakanur.
2. Block Development Officer,
Bodinayakanur.
3. Special Officer,
Uppukottai Village.
4. Village Administrative Officer,
Uppukottai
5. The District Collector,
Theni.

... Respondents / Defendants

IA.No.16/2026
in
OS No.99/2019

1. Varadarajan

... Petitioner/ 1st Plaintiff

-Vs-

1. The Tahsildar,
Bodinayakanur.

2. Block Development Officer,
Bodinayakanur.

3. Special Officer,
Uppukottai Village.

4. Village Administrative Officer,
Uppukottai

5. The District Collector,
Theni.

... Respondents / Defendants

IA.No.17/2026
in
OS No.99/2019

1. K.M.Murugesan

... Petitioner / 4th Plaintiffs

-Vs-

1. The Tahsildar,
Bodinayakanur.

2. Block Development Officer,

Bodinayakanur.

3. Special Officer,
Uppukottai Village.

4. Village Administrative Officer,
Uppukottai

5. The District Collector,
Theni.

... Respondents / Defendants

This petition came up on 17.04.2026 for final hearing, in the presence of Mr.S.R.Shyam, Learned Government Pleader for the Petitioners, and in the presence of Mr.K.S.N.Shivamani, Learned Government Pleader for the Respondents, upon perusing the case records and having stood over for consideration till this day, this Court hereby delivered the following.

COMMON ORDER

1. Prayer in IA No.14/2026:-

The plaintiffs in the main suit has filed the present petition under section 151 of CPC to reopen the evidence of the plaintiffs.

2. Prayer in IA No.15/2026:-

The plaintiffs in the main suit have filed the present petition under order 18 rule 17 of CPC to recall 1st defendant and 4th defendant to mark the petition

mentioned documents

3. Prayer in IA No.16/2026:-

The 1st plaintiff in the main suit has filed this petition under order 7 rule 14(3) r/w. sec 151 of CPC to receive the petition mentioned additional documents to be marked as exhibits.

4. Prayer in IA No.17/2026:-

The 4th plaintiff in the main suit has filed this petition to receive the petition mentioned one additional documents to be marked as exhibits.

5. As all the four interlocutory applications arises out of the same set of fact and the purpose of filing the four petition to reopen the plaintiff side evidence and recall the 1st plaintiff (PW1) and 4th plaintiff (PW3) and to mark totally four additional documents, this court proposes to dispose of all the four interlocutory applications by way this common order.

6.The case of the petitioners/plaintiffs in brief:-

The revenue records pertaining to the period prior to UDR survey, in respect of the suit properties, are material documents which are required to be marked for the purpose of substantiating the case of the plaintiffs. Such documents can be properly proved only through PW1 and PW3, and therefore, the present set of petitions has been filed seeking reopening of evidence, recall of the said witnesses,

and reception of the additional documents.

7.The case of the respondents/defendants in brief:-

All the averments stated in the affidavit filed in support of the petition are denied as false. The plaintiff has no manner of right over the suit property, as the same is a Government poramboke land belonging to the State. Earlier, the plaintiff had filed I.A. No.13/2026 seeking a direction to the defendants to produce certain documents, which came to be dismissed. Having failed in the said attempt, the present petitions are filed to reopen the plaintiffs' evidence and to mark the very same documents, which is nothing but an attempt to fill up the lacuna in the case. Hence, the petitions are devoid of merits and are liable to be dismissed.

8.The learned counsel appearing for the plaintiffs reiterated the averments set out in the affidavit filed in support of the petitions and submitted that the documents now sought to be received are vital for substantiating the plaintiffs' case, and therefore, the petitions are liable to be allowed.

9. Per contra, the learned counsel appearing for the respondents contended that the plaintiffs are attempting to protract the proceedings under one pretext or another, that they have no manner of right over the suit property, and that the present petitions have been filed only with an intention to delay the disposal of the

suit. It is further submitted that the reasons assigned in the affidavit are not legally sustainable and that such petitions cannot be entertained at the stage when the suit is posted for arguments.

10. This court carefully considered the rival submissions and perused the materials available on records.

11. On perusal of the records, it is seen that the plaintiffs have filed the suit seeking the relief of permanent injunction restraining the defendants from interfering with their alleged peaceful possession and enjoyment of the suit property, except by due process of law. Issues were framed and the trial has been completed on both sides.

12. On the side of the plaintiffs, the 1st plaintiff was examined as PW1 and Ex.A1 to Ex.A8 were marked through him. The 2nd plaintiff was examined as PW2 and Ex.A9 to Ex.A11 were marked. The 4th plaintiff was examined as PW3 and Ex.A12 to Ex.A20 were marked. The 6th plaintiff was examined as PW4 and Ex.A21 to Ex.A23 were marked. The 3rd plaintiff was examined as PW5 and Ex.A25 to Ex.A26 were marked. One Mr. Muneeshwaran was examined as PW6 and Ex.A27 was marked through him.

13. On the side of the defendants, Malarvizhi, Block Development Officer,

was examined as DW1 and Mr. Kannan, VAO, was examined as DW2. The suit is now posted for arguments. At this stage, the plaintiffs have come forward with the present set of petitions seeking to reopen the evidence, recall PW1 and PW3, and to receive and mark additional documents. The documents now sought to be introduced are dated 06.12.2019, 03.12.2020, 21.12.2020 and 21.01.2021. Admittedly, these documents were very much available with the plaintiffs at the time when their chief examination was conducted. However, they were not produced at the appropriate stage, and no satisfactory or valid reason has been assigned for such non-production along with the proof affidavit.

14. The Hon'ble Madras High Court in **P. Rajasekar Vs P. Subramanian [2024(1) MWN (Civil) 610]** has held as follows:-

“10. The power under Section 151 of the Code of Civil Procedure, 1908 can be invoked in appropriate cases to reopen the evidence or to recall the witness for further examination. Even if there is a time gap between the completion of evidence and hearing of the arguments, for whatsoever reason, and if in that interregnum, a party come across some evidence which he could not lay his hands earlier, or some evidence with regard to the conduct or action of the other party comes into existence, the Court may in exercise of its inherent power under section 151 of the Code of Civil Procedure, 1908, permit the production of such evidence if it is relevant and

necessary in the interest of justice, subject to such terms as the Court may deem fit to impose.”

15. The principle laid down by the Hon’ble Madras High Court makes it clear that this Court, in exercise of its inherent powers under Section 151 CPC, can permit reopening of evidence and recall of witnesses where the additional material sought to be produced is relevant and necessary for a just adjudication, even at a belated stage, subject to appropriate terms. Applying the said principle to the facts of the present case, though the plaintiffs have not assigned satisfactory reasons for the non-production of the documents at the earlier stage, considering the nature and relevance of the documents sought to be marked and in order to afford a fair opportunity to the plaintiffs to substantiate their case, this Court is inclined to permit the petitions, subject to terms.

In the result, all the petitions are allowed on payment of costs of Rs.8,000/-. The petitioners are directed to deposit a sum of Rs.8,000/- to the credit of following bank account of Srivilliputhur Megamalai Tiger Conservation Foundation on or before 24.04.2026. Call on 24.04.2026 for reporting compliance.

Account Name	: SRIVILLIPUTHUR MEGAMALAI TIGER CONSERVATION FOUNDATION
Account Number	: 74930100010561
Bank Name	: Bank of Baroda

Branch Name : Madurai West Masi Street
IFSC : BARBOVJMADU
MICR Code : 625012013

*Dictated to the steno typist, transcribed by her corrected, and pronounced by
me in open Court, on the 17th day of April 2026.*

District Munsif,
Bodinayakanur.

IA.No.14, 15, 16, 17/2026
in
OS No.99/2019
Fair / Draft Order
Date: 17.04.2026.