

IN THE COURT OF DISTRICT MUNSIF, THIRUVAIYARU

Present: Mr.P.RAMESH B.L.,
District Munsif, Thiruvaiyaru

Dated this is 23rd Day of September 2025, Tuesday

I.A.No.389 of 2025 in O.S.No.177 of 2017

D.Kasinathan

... Petitioner/Plaintiff

Vs

1. The Section Officer,
CKR Section, PWD Thirukkattupalli,
Budalur Taluk, Thanjavur District
2. The Executive Engineer,
Cauvery Basin Division, PWD/WRD,
Thanjavur.
3. The Secretary to Government,
Public Works Department,
For St.George, Chennai.

...Respondents/ Defendants

Appearance:

For Petitioner/ Plaintiff : Mr.R.Mathiyalagan

For Respondents/ Defendants : The Government Pleader

ORDER

1.Petition filed under section 151 of CPC to reopen the case for plaintiff side further evidence.

2. Brief fact of the petition:

2.1) The main suit was filed for the relief of permanent injunction and the plaintiff side evidence was closed on 03.07.2024. The petitioner and his brothers were erected a borewell and got 10 HP electricity connection for agriculture

purpose and two other connections out of their own cost from TANGEDCO, Thirukkattupalli. the petitioner have to proof the said fact before this court by way of examining the Assistant Engineer TANGEDCO, Thirukattupalli. Therefore, it is prayed to reopen the case for plaintiff side further evidence and thus render justice

3. Brief fact of the counter:

The respondents/ defendants deny all the allegations made by the respondents/ defendants in this petition. This petition is not maintainable and liable to be dismissed since the plaintiff side evidence already closed by the counsel for plaintiff. The petitioner did not approach the court with clean hands. The petition filed with intent to drag on the case proceedings. Therefore, it is prayed to dismiss the petition with cost.

4. Heard both sides, Perusal available materials. Points for consideration is whether the petition would be allowed? or not?

5. Discussion and Finding:

5.1) The Main suit is filed for the relief of Permanent injunction against the defendants and not to evict from the suit property except under due process of law. The main suit has been taken on file on 27.10.2017 and pending for defendant side evidence. Already the learned counsel for plaintiff submitted that plaintiff side no further evidence accordingly the evidence is closed on 03.07.2025. Subsequently this petition is filed for plaintiff side further evidence.

5.2) The same counsel already submitted that no further evidence. Now filed this petition to re-open the case for examine the Asst.Engineer,TANGEDCO, Thirukkattupalli as plaintiff side further evidence. All the defendants are government officials. The plaintiff having intention only to drag on the case proceedings because the Hon'ble High Court periodically

direct the government to remove the all kind of encroachments in the Reiver beds.

5.3) The Sole intention of the plaintiff is enjoying the suit property continuously as the suit is pending before the civil court. So that, the petition is filed to re-open the case for further evidence even they have stated as no further evidence. Further the proposed witness is not necessary to the facts of the case since the main relief sought by the plaintiff is not to evict from the suit property except under due process of law.

5.4) Considering the facts and circumstance of the case the petition is not maintainable and liable to be dismissed. Accordingly the petition is dismissed.

6. Result:

In the result the petition is dismissed. No cost.

This order is directly dictated to typist and typed by her in computer and corrected and pronounced by me in open court on 23.09.2025.

District Munsif, Thiruvaiyaru