

IN THE COURT OF THE FIRST ADDITIONAL DISTRICT JUDGE,
TIRUNELVELI

PRESENT: Thiru. D. SELVAM, M.L.
1st Additional District Judge,
Tirunelveli.

Tuesday, the 03rd day of February 2026

I.A. No.07/2025 and I.A. No.08/2025
In
O.S. No. 231/2022

1. C. Ammachiyar
2. C. Kumaraswamy
3. C. Muthiah

... Petitioners/Plaintiffs

// Versus //

1. M. Vivekananthan
2. M. Rama Krishnan
3. M. Sri Sankar
4. M. Baskaran
5. S. Rajeswari
6. R. Buvaneswari
7. Siva Surya Narayanan
8. Subbaiah

... Respondents/Defendants

These petitions came up before this court on 21.01.2026 for a final hearing in the presence of Thiru. S.B. Kamalanathan, Advocate for the Petitioners and Thiru. M. Petchimuthu, Advocate for the 1st to 4th, 7th Respondents and 5th, 6th, 8th Respondents called absent, set exparte and upon hearing both sides' arguments and upon perusing the records and having stood over till this date for consideration, this court delivers the following ...

ORDER

1. I.A. No. 07/2025:-

This petition has been filed by the Petitioner under Section. 151 of the C.P.C to reopen the suit with costs.

2. The brief averments of the petition are as follows:-

The petitioner is the 2nd plaintiff in the suit and filed the affidavit on behalf of the other petitioners. He was well known for the case details. The suit is filed for partition and an undivided 1/7 share in the plaint schedule property. The petitioners filed I.A. No. 06/2025 to implead 7, 8 defendants in the suit, and the petition is allowed. So, the 7th defendant has filed a written statement. In this regard, the petitioner is to file the additional proof affidavit. Hence, the petitioner filed this application to reopen the case. Hence, this petition is filed.

3. The brief averments of the counter filed by the 1st respondent are as follows:-

The petition is not maintainable either in law or on the facts. The respondent denied the allegations contained in the affidavit, except for the admitted facts. The suit was originally posted for arguments on 07.04.2025. After 4 adjournments, the petitioners filed the petition to implead the purchasers of the plaint schedule property, who had purchased the properties six years before. At the time of filing the suit itself, these petitioners knew the purchasers and were belated in impleading the purchasers. So, the 7th defendant appeared before this court and filed the written statement. As mentioned in the written statement, the 7th defendant also sold the property to a third party, and moreover, he himself is not known as the title holder and in possession of the property. So the petitioner has filed the application to reopen the case for

additional proof affidavit was not necessary. So, the petition may be dismissed with costs.

4. I.A. No. 08/2025:-

This petition has been filed under Section. 151 of the C.P.C to grant permission to file the additional proof affidavit on the side of petitioners/plaintiffs with costs.

5. The brief averments of the petition are as follows:-

The petitioner is the 2nd plaintiff in the suit and filed the affidavit on behalf of the other petitioners. He was well known for the case details. The suit is filed for partition and an undivided 1/7 share in the plaint schedule property. The petitioners filed I.A. No. 06/2025 to implead 7, 8 defendants in the suit, and the petition is allowed. So, the 7th defendant has filed a written statement. In this regard, the petitioner is to file the additional proof affidavit. Hence, the petitioner filed this application to grant permission to file the additional proof affidavit on the side of the petitioners/plaintiffs. Hence, this petition is filed.

6. The brief averments of the counter filed by the 1st respondent are as follows:-

The petition is not maintainable either in law or on the facts. The respondent denied the allegations contained in the affidavit, except for the admitted facts. The suit was originally posted for arguments on 07.04.2025. After 4 adjournments, the petitioners filed the petition to implead the purchasers of the plaint schedule property, who had purchased the properties six years before. At the time of filing the suit itself,

these petitioners knew the purchasers and were belated in impleading the purchasers. So, the 7th defendant appeared before this court and filed the written statement. As mentioned in the written statement, the 7th defendant also sold the property to a third party, and he himself is not known as the title holder and does not have the property. So the petitioner has filed the application to reopen the case for additional proof affidavit was not necessary. So, the petition may be dismissed with costs.

7. The Point for determination in the petitions is:

Whether these petitions can be allowed?

8. During the enquiry, no evidence was adduced, and no documents were marked on both sides.

9. Answer to the Point: -

(i) Heard both sides. This court carefully perused the affidavit, counter, and case records.

(ii) As per the records, the petitioner has filed the application to reopen the case and sought permission to file the additional proof affidavit on the side of the petitioners/plaintiffs at the stage of Arguments.

(iii) Further, this court considered that the points for the additional proof affidavit and the additional documents are related to the respondent, which are the official records. Even though the respondents opposed the petitioner, this court would like to decide the case on the merits. But the petitioner has filed the applications at

the stage of arguments. Hence, this court would like to allow these applications on the terms by the interest of justice.

10. In the result,

(i) IA No. 07/2025:

This petition is allowed on the conditional cost of Rs. 2000/-. The petitioner shall be paid the cost to the respondent on or before 10.02.2026. If the cost is not paid, the petition shall stand dismissed. Call on 11.02.2026.

(ii) IA No.08/2025:

This petition is allowed on the conditional cost of Rs. 2000/-. The petitioner shall be paid the cost to the respondent on or before 10.02.2026. If the cost is not paid, the petition shall stand dismissed. Call on 11.02.2026.

Dictated to the steno-typist and directly typed it by her on the computer, corrected and pronounced by me in open court on this, the 03rd day of February 2026.

1st Additional District Judge,
Tirunelveli.

The petitioner and the respondent side witnesses and documents: Nil

1st Additional District Judge,
Tirunelveli.

I Additional District Court,
Tirunelveli

DRAFT / FAIR ORDER

IA No.07/2025 and

IA No. 08/2025 in

OS No.231/2022

Dated: 03.02.2026