

IN THE ADDITIONAL DISTRICT COURT AT TIRUVANNAMALAI

PRESENT : Tr. B.C. GOPINATH, M.L.,

Additional District Judge,

Tiruvannamalai.,

Tuesday, the 2<sup>nd</sup> day of June, 2026

I.A.No. 6/2026 & I.A.No. 7/2026 in O.S.No. 34/2010

I.A.No. 6/2026 in O.S.No.34/2010

M/S. Madhucon Granities Ltd.,  
represented by its Manager.

.... Petitioner / 8<sup>th</sup> defendant

/vs/

1. Ashok Kumar
2. Padmabai
3. Chain Raj @ Jainraj
4. Manjabai
5. Anandhabai
6. Sunandhabai

... Respondents / Plaintiffs

I.A.No. 7/2026 in O.S.No34/2010

M/S. Madhucon Granities Ltd.,  
represented by its Manager.

.... Petitioner / 8<sup>th</sup> defendant

/vs/

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... Respondents / Plaintiffs

These petitions are coming up on 02.06.2026 for final hearing before me in the presence of Tr. S. Ravi, Counsel for the Petitioners and Tr. D. Karthikeyan, Counsel for the Respondents and upon hearing the arguments on both sides and after perusing the records and having stood over for consideration till this day, this court passed the following :

### **COMMON ORDER**

#### **I.A.No. 6/2026**

Petition u/s. 151 CPC to reopen the case for the evidence of petitioner / 8<sup>th</sup> defendant.

#### **I.A.No.7/2026**

Petition under Order VIII Rule 1(A)(3) of CPC seeking leave to receive documents.

#### **2. Petitioners case in brief :**

The petitioner is the 8<sup>th</sup> defendant in the suit. The 8<sup>th</sup> defendant is a company represented by its Manager. The respondents / plaintiffs, have filed the above suit for partition. During trial, the case was posted for the evidence of 8<sup>th</sup> defendant. The competent person to represent the company had to be given Special Power of Attorney to give evidence in the case. Hence the

evidence could not be let in 27.04.2026 and the evidence of 8<sup>th</sup> defendant was closed. Now a Special Power of Attorney has been granted to the Assistant General Manager to give evidence. The petitioner has to mark the sale deeds dated 25.01.2006, 05.02.2006 and 2 other documents on behalf of the 8<sup>th</sup> defendant. The petitioner also has to mark a patta on his side. Hence the evidence of the 8<sup>th</sup> defendant has to be reopen.

**3. Averments in the counter of Respondent / 3<sup>rd</sup> plaintiff :-**

The petition is not maintainable. The petitioner has no locus standi to file this petition without filing Written Statement. The petitioner cannot file any documents also. A defendant has to produce documents that he relies upon along with his Written Statement. Without complying with that, the petitioner cannot file the reopen petition to mark additional documents. Hence the petition is liable to be dismissed.

4. During enquiry, no evidence, oral or documentary was let in. This Court has perused the materials on record and has considered rival submissions.

5. Now the point for consideration is whether these petitions to reopen and recall are to be allowed or not ?

6. **Point** :-

The petitioner is a company M/S Madhukan Granities Ltd, represented by its Manager and it has been arrayed as 8<sup>th</sup> defendant in the suit filed for the relief of partition. Records further reveal that on 22.04.2026 the evidence of 3<sup>rd</sup> defendant was closed and the case was posted to 24.04.2026 for the evidence of the petitioner /8<sup>th</sup> defendant as last chance. However on 27.04.2026 also the petitioner was not ready with his evidence and hence the evidence was closed suo moto.

7. Now the petitioner has filed this application to reopen the case for letting in his evidence on the ground that the company took some time to give a Power of Attorney to the Assistant General Manager / to adduce evidence on behalf of the company. The delay is not willful and the petitioner has to mark certain documents to show that he purchased the property from the 7<sup>th</sup> defendant and he is in exclusive possession of that portion of the suit property.

8. The Ld. Counsel for the respondent/plaintiff submitted that the petitioner /8<sup>th</sup> defendant did not file any separate Written Statement with a list of documents that he wants to file during trial. So, he is precluded from filing this application to reopen trial for his evidence and also for reception of new documents. While appreciating this contention, it is seen that the

petitioner / 8<sup>th</sup> defendant was initially set exparte and on 08.10.2012 the defendants 6 to 8 filed a petition to set aside the exparte order in I.A. No. 82/2012 and on the same day the Written Statement of 7<sup>th</sup> defendant filed. The defendants 6 to 8 had adopted the Written Statement of 7<sup>th</sup> defendant on 08.10.2012. Now the petitioner has filed these 2 applications to reopen the case for his evidence and also to permit in Exhibits certain documents on his side.

9. As mentioned supra, the above suit is one for partition between the plaintiffs and defendants 1 to 5. The defendants 1 to 3 are contesting the case while 4<sup>th</sup> defendant remains exparte and 5<sup>th</sup> defendant died. Even according to the plaintiff, after the death of plaintiff's father Krishanlal the 5<sup>th</sup> defendant Roopchand executed a Power of Attorney dated 24.01.2006 in favour of the 6<sup>th</sup> defendant Raja. Thereafter the said Raja executed the sale deed on 25.01.2006 in favour of the 7<sup>th</sup> defendant Murugan. Even in the plaint it is alleged that the said 7<sup>th</sup> defendant Murugan, under a Sale deed dated 05.06.2006 sold 85 cents of lands in S.No. 26/6A3 to the petitioner /8<sup>th</sup> defendant.

10. All these averments in her plaint finds place in the Written Statement of the 7<sup>th</sup> defendant filed on 20.09.2012 which was also adopted by the petitioner /8<sup>th</sup> defendant.

11. It is no doubt true that the petitioner /8<sup>th</sup> defendant has not filed a separate Written Statement with a list of documents. Nonetheless, he has adopted the Written Statement of 7<sup>th</sup> defendant by way of specific endorsement and therefore the contention of the respondent /plaintiff that the petitioner has no locus to let in evidence or file a petition seeking leave to file Additional documents cannot be sustained. That apart, all the documents that the petitioner intends to file find place in the plaint and also the Written Statement of the 7<sup>th</sup> defendant. As such these documents are not documents that the petitioner /8<sup>th</sup> defendant is trying to introduce without pleading. Hence the objections raised by the respondents / plaintiffs reopening the case for evidence and the petitioner / 8<sup>th</sup> defendant cannot be countenanced and the petitions are liable to be allowed. These points are answered accordingly.

In the result, both the petitions are allowed. The parties shall cooperate for early disposal of the case.

Dictated to the steno-typist, typed by her, corrected and pronounced by me in the open court, this the 2<sup>nd</sup> day of June 2026.

Additional District Judge,  
Tiruvannamalai.

Petitioners side Witness and Exhibits :- Nil.

Respondents side Witness and Exhibits :- Nil.

Additional District Judge,  
Tiruvannamalai.