

IN THE COURT OF THE DISTRICT MUNSIF, VANDAVASI,
TIRUVANNAMALAI DISTRICT.

PRESENT : Tr. R. SENTHIL KUMAR, B.A.,B.L.,
DISTRICT MUNSIF.

WEDNESDAY THE 14TH DAY OF AUGUST 2024

IA.No. 04/2024 in O.S.No.132/2003

1. S. Kannan(Died)
2. Jothi,
3. Perumal

. . . Petitioners/defendants

-Vs-

1. K. M. Narayanasamy (Died)
2. Kasthuri,
3. Seenivasan,
4. Muralikrishnan,
5. Thilagavathi

...Respondents/Plaintiffs

This petition when coming before this court on 14.08.2024 in the presence of Mr. R. Mannarasu, learned counsel for the Petitioners/Defendants and Mr. G. Viswanathan, learned counsel for the Respondents/Plaintiffs and upon consideration of the case records and having stood over for consideration till this date, this court delivers the following...

ORDER

1. This petition is filed to reopen the defence side evidence for the purpose of giving further evidence on the side of petitioner/2nd defendant.
2. The Petitioner/2nd defendant is the 2nd defendant in OS.No.11/2007 and both these suits are tried in joint trial.
3. Since the petitioner has to give evidence for OS.No. 11/2007 as well and she remain exparte in that suit, she is unable to proceed with the suits due to exparte order in OS.No.11/2007. Hence, she prays reopening of the suit and she has also filed a petition to set-aside the exparte order in OS.No.11/2007.
4. The respondents have objected this petition as delaying tactics and belated one.
5. Point:- Whether this petition is liable to be allowed or not?
6. Heard. As already discussed the petitioner is unable to give evidence on the technical point that she remain exparte in the suit which is jointly tried with this suit.

7. Both suits are pending and this court did not see any legal impediments in the prayer of petitioner. However, she has to pay costs to the respondents as she has caused delay. Hence, the point is answered that this petition is liable to be allowed on payment of costs.

8. Therefore, this petition is ordered to be allowed on payment of cost Rs.1,000/- payable to respondents on or before 20.08.2024 call on by then.

This order is pronounced by me in the open Court on this the 14th day of August 2024.

Sd/-Tr.R. Senthilkumar,
District Munsif,
Vandavasi.

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District Munsif,
Vandavasi.