

IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.

PRESENT: Tmt. V. Vannamalar, M.L., PGDIPR., PGD in CrI. & Fr.Sc.,
District Munsif, Ponneri.

Wednesday, the 24th day of April 2024.

I.A.4 of 2023
in
I.A.1 of 2020
IN
O.S.No.152 of 2015

1. Kumar
2. K.Maheswari
3. K.Jayachitra

..... Petitioners/Defendants

Versus

S.Kanniamma

..... Respondent/Plaintiff

This petition came before me on 24.04.2024 before this court for final hearing in the presence of Mr.R.Sekar, learned counsel for the petitioners/Defendants, Mr.G.Nanthagopal, learned counsel for the Respondent/Plaintiff. Upon hearing the arguments made by the learned counsel for the petitioners and the respondent and on perusal of the material case records, this Petition having stood over for consideration till this day, this Court delivers the following:

ORDER

1. This petition has been filed under Section 151 of CPC to Re-open the IA.No.1/2020 for marking of petitioners' side documents in the said petition.

2. **Brief averments of the affidavit filed by the petitioners are as follows:**

The petitioners submit that they have filed the petition under Order 7 Rule 11 of CPC and the said petition is pending in IA.1/2020. In the said petition in IA 1 of 2020, petitioners' side arguments was closed without marking documents on their side. Hence, this Petition has been filed.

3. Brief averments of the counter filed by the respondent are as follows:

The respondent submits that the petitioners' side enquiry in IA.No.1/2020 was closed only after giving sufficient opportunity for the petitioner to complete there arguments. Therefore this petition to reopen the petitioners' side enquiry is not maintainable. The respondent submits that the above suit was filed in the year 2015 and after the commencement of trial and when the suit was pending for cross examination of PW1, the petitioners have filed the application in IA 1 of 2020 for rejection of plaint only to drag on the trial in the suit. Now this petition is filed without any merits and is not maintainable in law and therefore this petition is liable to be dismissed with costs.

4. Neither the petitioners nor the respondent have placed any oral or documentary evidence before this court. Now, it is the paramount duty of the court to decide whether this petition is to be allowed or not.

5. Heard both sides arguments. Records Perused.

6. On careful analysis, it is noted that the petitioners are the defendants in the suit and the suit has been filed by the respondent / plaintiff for a relief of Permanent Injunction with respect to the suit property. When the suit was posted for cross examination of PW1, a petition in IA 1 of 2020 was filed by the petitioners / Defendants to reject the plaint. When the said petition was posted for orders, this petition has been filed to reopen petitioners' side enquiry to mark certain documents on their side. On the other hand, the respondent submits that this petition is not maintainable as it has been filed only to drag on the suit proceedings.

7. On careful analysis of the above rival submissions, this court views that in the interest of justice an opportunity to be given to the petitioners to submit their documents in the petition in Ia 1 of 2020 and hence this court is inclined to allow this petition. However, to compensate the delay and expenses caused to the respondent as a result of this petition, this court is inclined to allow this petition on terms.

8. In the result, this petition is allowed subject to payment of costs of Rs.1000/- payable by petitioners to respondent on or before 04.06.2024. Call on 13.06.2024 for reporting compliance.

Dictated by me to the steno-typist, who directly typed the same, corrected and pronounced by me in the open court, on this the 24th day of April 2024.

**Sd/-V. VANNAMALAR,
DISTRICT MUNSIF
PONNERI**

Both side witnesses and documents:- NIL

**Sd/-V. VANNAMALAR,
DISTRICT MUNSIF
PONNERI**

Fair/ Draft Order
I.A.No.4/2023 in
IA No.1 of 2020 in
O.S.No.152/2015
Date:24.04.2024
DMC,PNI.