

IN THE COURT OF THE DISTRICT MUNSIF, TIRUTTANI

**Present : Tmt. R.D. Gurulakshmi, M.A., M.L., P.G.D.I & C.L.,
District Munsif, Tiruttani.**

Dated the Monday of 25th Day of August 2025

I.A.No.4/2025 in OS.No.35/2014

(CNR.No. TNTR21-000040-2014)

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| 1. Mannesammal (died) | |
| 2. Rajeswari | |
| 3. Minor Vingesh, Rep. By his mother
next friend Rajeswari | ...Petitioners / Plaintiffs |

/Versus/

- | | |
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| 1. E. Subramani | |
| 2. The Thasildar, Tiruttani | |
| 3. The Revenue Divisional Officer, Tiruttani | |
| 4. The Sub-Registrar, Tiruttani | |
| 5. The District Collector, Tiruvallur | ... Respondents / Defendants |

This petition came up before me for the final hearing on 18.08.2025 in the presence of M/s. C.A. Natarajan, Advocate for Petitioners/Plaintiffs, 1st plaintiff was died, M/s. V. Kishore Reddy, E. Vijayakumar, A. Akila, Advocates for 1st Respondent /1st Defendants, 2 to 5 were set exparty in suit. Upon hearing both sides and having stood over for consideration till this day, this court delivered the following:

ORDER

This petition is filed under section 151 of CPC to reopen the case.

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

The Plaintiff Mennesammal filed this suit against 1st Respondent/1st Defendant for declaration and injunction. The 1st plaintiff gave evidence in this case as Pw1 and marked documents to prove this case. D1 examined as Dw1 and posted for further evidence of defendant side. While so the 1st plaintiff executed a Will dated 02.08.2019 in favour of 2 and 3 plaintiffs. The 1st plaintiff died on 09.01.2022 and the said Will came into force. Therefore the petitioners have to give evidence in that aspect as per the said Will and have to prove through attestors. In this case defence

evidence closed and posted for arguments. Hence may be permitted to reopen the case. Therefore the petitioner filed this petition.

2. The counter filed on behalf of the 1st Respondent in brief:-

This petition is not maintainable either in law or on facts. The allegations contained in the affidavit that the 1st Plaintiff is voluntarily executed the alleged Will are false and denied by this respondent. It is false that the petitioners have got the suit property as per Will executed by the said Mannesiammal. The alleged will was executed while the above suit is pending. The said Will is not valid in law and not binding on this respondent. The petition is highly belated one and this petition is to be dismissed in limini. There is no bonafides and no merits in this petition. Hence this petition has to be dismissed.

3. Point for determination:

Whether the petitioner is entitled to the reliefs as sought for? or not?

4. Heard learned counsel for the both the parties. According to the petitioner, the 1st plaintiff executed a Will dated 02.08.2019 in favour of 2 and 3 plaintiffs. The 1st plaintiff died on 09.01.2022 and the said Will came into force. Therefore the petitioners have to give evidence in that aspect as per the said Will and have to prove through attestors. Hence the petitioners pray to allow this petition. The 1st Respondent resisted the petition by contending that the said Will is not valid in law and not binding on this respondent. The petition is highly belated one. There is no bonafides and no merits in this petition. Hence, the respondent prays to dismiss the petition.

5. On perusal of records, at the stage of argument, this petition was filed. The main objection of the respondent is that the petitioners have no bonafide merits on case. No serious objections raised on the side of respondents. The suit is filed on 2014. In this circumstance of the case, no prejudice would be caused to the respondent, as the respondent will have opportunities to cross examine the witness as to the documents sought to be produced by the petitioners. Hence, in the interest of justice, to prevent multiplicity of proceedings, to provide the petitioners an

opportunity to prove their case and for proper adjudication of the case, this petition has to be allowed on costs.

In the result, this petition is allowed on condition that the petitioners have to pay a cost of Rs.1000/- to the 1st respondent on or before 29.08.2025 failing which this petition stands dismissed. Call on 29.08.2025

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 25th day of August 2025.

District Munsif,
Tiruttani.

Petitioner and Respondents side Exhibits and witness: NIL

District Munsif,
Tiruttani.