

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 Saturday of 20th Day of September 2025

I.A.No.4/2025 in OS.No.32/2019

(CNR.No.TNTR21-000049-2019)

...

1. Yovan
2. Meenakshi
3. Vajjiravelu

... Petitioners /Defendants

/Versus/

1. Seetha
2. Ramadass
3. Rajesh
4. Rajkumar
5. Chithra

...Respondents/ Plaintiffs

This petition came up before me for the final hearing on 04.09.2025 in the presence of M/s. P.C. Santhya Rani, B. Chandrean, S. Swarnalatha, M. Lavanya, D.M.V. Prabhu, G.M. Vijayalakshmi, Advocates for Petitioners/defendants, M/s. M. Mohan Raju, G. Sivakumar, Advocates for Respondents/Plaintiffs. 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 for further Defendant side evidence for examination of Dw2.

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

The case was posted for argument. On 0307.2025 Dw1 evidence was completed and the case posted for further Defendant side evidence. The petitioner wants to examine his father. But on that day due to illness the petitioner's father could not attend the court. The defendants side evidence was closed on 17.07.2025. The petitioner has to examine his father as Dw2 to prove his bonafide merits. Hence, this petition is filed.

2. The counter filed on behalf of the Respondents in brief:-

The petition is not maintainable either in law or on facts of the case. The allegations contained in the affidavit in support of the petition are all false. The

petitioner is hale and healthy. Since the petitioner is not having strong case on his side in the above suit, this petition filed to drag on the proceedings. There is no bonafide merits in this petition. The petitioner wantonly filed this petition in order to harass the respondent. The respondent would be put to irreparable loss and hardship if this petition is allowed. Hence, the petition is liable to dismissed with cost.

3. Point for determination:

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

4. Heard both sides. Records perused. According to petitioner, the petitioner wants to examine his father but due to illness the petitioner's father could not attend the court. The defendants side evidence was closed on 17.07.2025. The petitioner has to examine his father as Dw2 to prove his bonafide merits. Therefore the petitioners pray to allow this petition. The Respondents resisted the petition by contending that the petitioner filed this petition to drag on proceedings. There is no bonafide merits in this petition. The petitioner wantonly filed this petition in order to harass the respondent. Hence the respondents pray to dismiss this petition.

5. On perusal of record, the case was posted for arguments. The petitioner filed this petition seeking permission to reopen the case to examine his father as Dw2. On 14.11.2024 the plaintiff side evidence closed and posted to 22.11.2024 for defendant side evidence. On 22.11.2024 to 09.01.2025 this case adjourned for defendant side evidence. In spite of sufficient opportunity given defendant not turned up and not ready to let evidence. Hence on 09.01.2025 defendants side evidence closed and this case was posted for argument. In this stage Petition filed in IA.No.3/2025 to reopen the defendant side evidence and the same is allowed on 13.02.2025. From 19.02.2025 to 17.07.2025 this case adjourned for defendant side evidence. On 17.07.2025 when the case is posted for defendants side evidence no further adjournment, defendant not ready for further evidence. Hence defendant side further evidence closed and this case was posted for argument. In this stage this petitioner filed this petition to reopen the defendant side evidence without any valid reasons. There is no reasons submitted by the defendant for not letting any evidence

on 10.07.2025, 17.07.2025. Even though considering the facts and circumstances, 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 respondents on or before 26.09.2025 failing which this petition stands dismissed. Call on 26.09.2025.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 20th day of September 2025.

District Munsif,
Tiruttani.

Petitioners and Respondents side Exhibits and witness: NIL

District Munsif,
Tiruttani.