

**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 Thursday of 3<sup>rd</sup> Day of July 2025

I.A.No.4/2025 in OS.No.54/2016

(CNR.No.TNTR21-000065-2016)

...

1. Radhakrishnan (died)
2. Vijaya (died)
3. Neela
4. Kumari
5. Vedha
6. Dhanalakshmi
7. Saravanan
8. Mohan

... Petitioners/ Defendants 6, 11 to 17

/Versus/

1. S. Babu Naidu
2. Vanaja (died)
3. Manjula
4. Chiranjeevi
5. Chandrasekar
6. Venugopal
7. Sub Registrar, Tiruttani
8. Nagammal
9. Chandra
10. Indirani

...1st Respondent/Plaintiff

...2 to 10 Respondents/ Defendants 1 to 5, 7 to 10

This petition came up before me for the final hearing on 23.06.2025 in the presence of M/s. P.M.Narasimhan, C. Thiruvenkadam, Advocates for Petitioners, P1, P2, R2 were died, M/s. V. Kishore Reddy, P. Yamuna, E. Vijaya Kumar, A. Akila, Advocates for 1<sup>st</sup> Respondent/Plaintiff, M/s. C.J. Srinivasan, R. Revathi, R. Indu Prabha, Advocates for Respondents 3 to 6/defendant 2 to 5, Respondents 7 to 10/defendants 7 to 10 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 for

Defendant side evidence.

**2. Petition averments in brief are as follows:-**

The case is posted to 22.10.2024 for argument. The petitioner examined himself as DW3. The petitioner is having some important witnesses relating to this case. The petitioner has a good case. Hence the petitioner wants to examine the witness to prove his case. The petitioner will suffer great loss if witnesses are not examined in this case and to mark some documents. So the petitioner has to reopen for the same for examination of other witnesses and marking of some documents. Hence, this petition is filed.

**3. The counter filed on behalf of the 1<sup>st</sup> respondent averments in brief are as follows:-**

The petition is not maintainable either in law or on facts. The allegations contained in the affidavit are all false and denied by this respondent. The petition is highly belated one and this petition is filed by the petitioners at the time of trial stage to drag on the proceedings. There is no bonafides and no merits in this petition. Hence, the petition has to be dismissed with costs.

**4. The counter filed on behalf of the 6<sup>th</sup> respondent and adopted by the respondent 3 to 5 averments in brief are as follows:-**

The petition is not maintainable either in law or on facts. The petition is highly belated one and this petition is filed by the petitioners at the time of trial stage to drag on the proceedings. There is no bonafides and no merits in this petition. Hence, the petition has to be dismissed with costs.

**5. Point for determination:-**

Whether the petitioners are entitled to the relief as sought for?

6. According to petitioner, the petitioner having some important witnesses relating to this case. The petitioner has a good case. Hence the petitioner wants to examine the witness to prove his case. Hence the petitioner prays to allow this petition. Respondents resisted the petition by contending that the petition is highly belated one and this petition is filed by the petitioners at the time of trial stage to drag

on the proceedings. There is no bonafides and no merits in this petition. Hence, the respondents prays to dismiss the petition.

7. Heard both sides. On perusal of record, the case was posted for defendants side evidence. This suit is filed in the year of 2016. Plaintiff side evidence closed on 03.02.2023 and posted for defendant side evidence on 10.02.2023. From 10.02.2023 to 21.09.2024 Dw1 alone examined and the case adjourned from 27.09.2024 to 22.10.2024 for further defendant side evidence. On 22.10.2024 when the case is posted as defendants side evidence no further adjournment, defendants not ready to proceed the case. Hence defendants side evidence closed and the case was posted to argument on 28.10.2024.

8. After that petitioner filed this petition to reopen his evidence. Petitioner not stated any valuable reason for not producing the evidence from 10.02.2023 to 25.03.2025. Already a petition for reopen the defendant side evidence in IA.No.3/2024 was filed and the same is allowed on 03.12.2024. This is the second petition filed by the petitioner to reopen the defendant side evidence. No acceptable reason submitted for not adducing evidence in time. Even though considering the facts and age of the suit, 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 allowed on condition that the Petitioners have to pay a cost of Rs.1000/- to the 1<sup>st</sup> respondent and have to pay a cost of Rs.1000/- to the 3 to 6 respondents on or before 10.07.2025 failing which this petition stands dismissed. Call on 10.07.2025.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 3<sup>rd</sup> day of July 2025.

District Munsif,  
Tiruttani.

Petitioners and Respondents side Exhibits and witness: NIL

District Munsif,  
Tiruttani.