

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.6/2025 in OS.No.67/2017

(CNR.No.TNTR21-000074-2017)

...

1. Suresh Kumar

2. Alexander

... Petitioners / Plaintiffs

/Versus/

1. Moorthy (died)

2. Premavathy

3. Periyasamy

... Respondents/ Defendants

This petition came up before me for the final hearing on 04.09.2025 in the presence of M/s. G. Kamalakannan, Advocate for Petitioners/Plaintiffs, R1 died, M/s. A. Venugopal, D. Nagaraj, Advocates for Respondents/Defendants. 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 to give further evidence.

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

The petitioners are sons of the 1st respondent. The petitioners grandmother namely Kuppammal executed a registered Will dated 18.03.1994 in favour of petitioners having full right including right to sale of the property. But the enjoyment of property left to 1st Respondent/1st defendant till the petitioner/plaintiffs have to attain major. The 1st petitioner examined as Pw1 in the above case. Meanwhile the 2nd petitioner/plaintiff proposed to examine himself as Pw1. The 2nd petitioner met with an accident and he grievously injured and now he is slowly recovering from his illness. The 2nd petitioner would likely to depose evidence. The Will is in favour of 1st and 2nd plaintiffs. So it is utmost required to examine Alexander in this case for proper adjudication. Hence, this petition is filed.

2. The counter filed on behalf of the 2,3 Respondents in brief:-

(a) The petition is not maintainable either in law or on facts of the case. The allegations in para 1 & 2 of the affidavit and the rest of allegations made in para 3 to

5 are strictly denied by this respondents. Actually the petitioners have no knowledge about the Will dated 18.03.1994 in favour of petitioners. Since the 1st plaintiff examined as Pw1 and after long adjournments the PW's evidence is also closed and then the 3rd defendant examined as Dw1 and the defendant evidence is also closed and posted for arguments. So at this stage the petitioner filed this petition with a malafide intention to prolong the case.

(b) The petitioner has not filed any single document to show that he met with an accident. So the allegations in the affidavit all are utter false and baseless and invented the same for the purpose of filing this vexatious petition. The petitioner suppressed the material facts and filed this petition with an ulterior motive to drag on the proceedings. There is no merits or bonafide reasons in this petition. 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 petitioners grandmother namely Kuppammal executed a registered Will dated 18.03.1994 in favour of petitioners. The 1st petitioner examined as Pw1 in the above case. The 2nd petitioner would likely to depose evidence. The Will is in favour of 1st and 2nd plaintiffs. Meanwhile the 2nd petitioner met with an accident. Hence he unable to attend the court. So it is utmost required to examine Alexander in this case for proper adjudication. Therefore the petitioners pray to allow this petition.

5. The Respondents resisted the petition by contending that the case was posted for arguments. At this stage the petitioner filed this petition with a malafide intention to prolong the case. The petitioner had not filed any single document to show that 2nd petitioner met with accident. The allegations in the affidavit all are invented for the purpose of filing this vexatious petition. The petitioner filed this petition only to drag on the proceedings. There is no merits or bonafide reasons in this petition. Hence the respondents pray to dismiss this petition.

6. On perusal of record, the case was posted for arguments. The petitioner

filed this petition seeking permission to reopen the case to give further evidence. Originally this case posted in the list on 03.02.2023. Pw1 examined in chief on 16.06.2023 and adjourned for further marking of documents. From 07.07.2023 to 22.07.2024 this case adjourned for marking of documents. On 22.07.2024 Pw1 further examined in chief and Ex.A1 to Ex.A5 marked. On 30.08.2024 additional issued framed and Pw1 cross completed. This case was adjourned for Plaintiff side further evidence from 10.09.2024 to 26.09.2024.

7. On 26.09.2024 the plaintiff not turned up even though the case was posted as Plaintiff side further evidence as no further adjournment. Hence Plaintiff side evidence closed and this case was posted to defendants side evidence on 14.10.2024. On 06.11.2024 Dw1 examined in chief and petition filed to receive additional documents and the same was allowed on 20.11.2024. From 28.11.2024 to 27.03.2025 this case was adjourned to cross of Dw1.

8. On 27.03.2025 Dw1 cross completed and this case was posted to further Defendant side evidence. On 30.06.2025 Defendants side evidence closed on endorsement of defendant side counsel and this case was posted to 14.07.2025 for argument. In this stage this petitioner filed this petition for reopen the defendant side evidence without any valid reasons. 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/defendants 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.