

**IN THE COURT OF THE II ADDITIONAL DISTRICT JUDGE,
THOOTHUKUDI.**

**Present : Tmt. M. Breetha, M.L.,
II Additional District Judge,
Thoothukudi.**

Saturday, this the 08th day of August 2026

E.A. No. 8/2026

in

E.A. No. 4/2025

in

E.P. No.116/2018

In

Arb. No. 37/2016

Shriram Finance Ltd

Rep. by through their Representative

Mr. A.Nambirajan

... Petitioner/1st Respondent/Petitioner

/Vs/

1) R.K. Lakshana

2) R.K. Jeya Uma

3) R.K. Vishal Umesh

... Respondents/Petitioners/3rd Parties

4) N. Rajkumar

... 2nd Respondent/ 1st Respondent /Judgment Debtor

This petition came on 04.08.2026 for final hearing before this court in the presence of Advocate Thiru.Evercious, for the petitioner and Advocate Thiru.C.Rajkumar, for the respondents 1 to 3 and on hearing the arguments of both sides and having stood over for consideration till this day, this court delivered the following:

ORDER

1) This petition has been filed under Section 151 of CPC to reopen the case for petitioner/1st respondent side evidence.

2) **Brief averments of the petition:**

The petitioner has averred that he is the 1st respondent in the execution petition and has averred that the main petition was posted for 1st respondent's side evidence on 15.04.2026 and as the legal officer of their company was transferred to other branch, they couldn't produce the evidence on their side and therefore, 1st respondent's side evidence was closed and that RW1 was examined on the side of the 2nd respondent and that it is just and necessary to reopen the case to adduce their evidence and hence, constrained to file this petition and prays to allow the same.

3) **Brief contentions of the counter filed by the 1st respondent/1st claimant and adopted by 2nd and 3rd Respondents/2,3 Claimants:**

The respondents have denied all the averments made in the petition and has contended that 1st respondent side evidence was closed on 15.04.2026 and that the reason stated by the petitioner that their legal officer was transferred to other branch is false and this petition has been filed at the belated stage to protract the proceedings and prays for dismissal of the petition with costs.

4) The point for consideration is whether this petition can be allowed or not?

5) Both sides are heard. Records have been perused. The petitioner is the 1st respondent in the execution petition and the respondents 1 to 3 are the claimants. In the main petition, 2nd respondent was examined as RW1 and the case stood posted for cross examination of RW1. At this stage, the petitioner has filed this petition to reopen the case to submit his evidence. Now, it is just and necessary to find out whether petitioner can be permitted to submit their evidence on their side at this belated stage.

6) The petitioner is the Decree Holder. E.A.No.4/2025 has been filed claiming right over the petition scheduled property and to raise the attachment. Being the Decree Holder, the petitioner has got a legal bounden duty to substantiate his defence through satisfactory oral and documentary evidences. Moreover, no prejudice would be caused to the respondent, as he has got sufficient opportunity to cross examine the witnesses. In the above said circumstances, this court is of the view that it is just and necessary to permit the petitioner to submit his arguments.

7) Considering the stage at which this petition has been filed and the hardships caused to the respondent, this court is of the view that this petition may be allowed on payment costs.

In the result, this petition stands allowed on payment of costs of Rs.1,000/- to the respondents 1 to 3 on or before 14.08.2026; failing which this petition stands automatically dismissed. Call on 14.08.2026.

This order is dictated by me to the steno-typist, and transcribed and typed by her and corrected and pronounced by me in open court this the 08th day of August 2026.

**II Additional District Judge,
Thoothukudi.**

Petitioners side witnesses: – Nil

Respondent side witnesses: – Nil

Petitioners side documents: – Nil

Respondent side documents: – Nil

**II Additional District Judge,
Thoothukudi.**

**II ADJ, Thoothukudi
Draft/Fair Order
E.A. No. 82026
in
E.A. No.4/2025
in
E.P. No. 116/2018
in
Arb. No.37/2016
Dated : 08.08.2026**