

In the Court of the District Munsif, Sathankulam.

Present. Thiru.M.Siva Rajesh, B.B.A.,L.L.B.,

District Munsif Sathankulam.

Dated:- This the 27th day of January 2026, Tuesday.

I.A.No.01/2025

in

O.S.No.61/2023

Sivalingam (Age 72),

S/o. Arunachalam,

Door No.732, Thachamozhi Nadar

South Street, Sathankulam,

Sathankulam Taluka, Thoothukudi District.

... Petitioner/Plaintiff

/VS/

Gunaseeli (Age 69),

W/o. Gnanaraj,

Thachamozhi Nadar

South Street, Sathankulam,

Sathankulam Taluka, Thoothukudi District.

... Respondent/Defendants

Advocate for the Petitioner : Thiru.K.Willin Felix

Advocate for the Respondent: Thiru.N.Balakrishnan

Relief:-

This petition is filed by the petitioner under Section 151 of the Code of Civil Procedure, before this Court to receive and accept the additional objections filed by the petitioner to the Commissioner's report in I.A. No. 475/2024 in O.S. No. 61/2023.

2) Case of the Petitioner :-

2.1 The petitioner states that he is the plaintiff in the main suit. The main suit is posted for P.W. 1 cross examination. It was stated that the Learned Advocate Commissioner

had filed his report in I.A. No : 475-2024 in O.S. No : 61-2023, and the respondent herein had filed her objection to it. The petitioner further state that, while filing my objections to the Commissioner's report, certain material objections could not be stated and were inadvertently omitted. Hence, this petition is filed under Section 151 of the Code of Civil Procedure, praying that this Court to receive and take on record the additional objections filed by him to the Commissioner's report in I.A. No. 475/2024 in O.S. No. 61/2023, in the interest of justice.

3) Case of the Respondent :-

3.1 The respondent denied the contention of the petitioner. It was stated that the petitioner/plaintiff filed objections to the Commissioner's report on 22.08.2025. Thereafter, I.A. No. 475/2024 filed by the respondent/defendant seeking appointment of an Advocate Commissioner was disposed of on 02.09.2025. Subsequently, the matter was repeatedly posted for cross-examination of the petitioner/plaintiff on 08.09.2025, 11.09.2025, 18.09.2025, 23.09.2025, 07.10.2025, 10.10.2025, 22.10.2025, 28.10.2025, 07.11.2025 and 14.11.2025. However, the petitioner/plaintiff failed to appear before this Court on all the aforesaid dates. It was alleged that the petitioner/plaintiff has filed the present petition by suppressing true facts and furnishing false particulars, with an intention to delay the proceedings and prevent disposal of the suit. Hence, the petition is liable to be dismissed with costs.

4. Analysis and findings of this court :-

4.1 Heard. Record Perused. It is not in dispute that the petitioner/plaintiff had already filed objections to the Advocate Commissioner's report on 22.08.2025. Thereafter, the petition in I.A. No. 475/2024 was disposed of on 02.09.2025. Subsequent to the disposal of the said application, the matter was posted on several occasions for the purpose of cross-examination of the petitioner/plaintiff. However, despite repeated adjournments granted by this Court, the petitioner/plaintiff failed to appear and subject himself to cross-examination. The dates of posting clearly show that sufficient opportunities were afforded to the petitioner/plaintiff.

4.2 Further, the reasons stated by the petitioner/plaintiff for filing the present petition does not inspire confidence. The conduct of the petitioner/plaintiff shows an attempt to delay the proceedings and the disposal of the suit.

4.3 In such circumstances, this Court conclude not to invoke the inherent powers under Section 151 of the Code of Civil Procedure to reopen matters which have already attained finality.

4.4 Considering the aforeaid observation, this Court finds no merit in the petition and holds that it is liable to be dismissed.

Accordingly, petition dismissed. No costs.

Dictated to the Steno-Typist, typed by her, corrected, and pronounced by me in open court on this 27th day of January, 2026.

District Munsif,
Sathankulam

Petitioner side witness and documents -Nil

Respondent side witness and documents -Nil

District Munsif,
Sathankulam

District Munsif Court,Sathankulam,
IA.No.01/2025 in
O.S No.61/2023
Fair/Draft Order
Dated : 27.01.2026