

**BEFORE THE ADDITIONAL LABOUR COURT, VELLORE.
VELLORE DISTRICT.**

**PRESENT : Tmt.S.Uma Maheswari, M.L.,
Presiding Officer (FAC).**

Thursday, the 27th day of November, 2025

E.A. No.3/2025 IN E.P. No.3/2023

And

E.A. No.4/2025 IN E.P. No.3/2023

The Management,
M/s. M.S.Builders,
Aslam.

. . . Petitioner / Judgment Debtor

Versus

S.Lurthu

. . . Respondent / Decree Holder

These Petitions are coming for hearing on 07.11.2025 in the presence of Thiru.K.Umar, the Advocate for the Petitioner and Thiru.R.C.Appalo Paul, the Authorized Representative appearing for the Respondent, upon hearing the arguments of both sides, upon perusing the entire material case records and having stood over for consideration till this date, this Court delivered the following:-

COMMON ORDER

These applications are filed by the Petitioner / J.D. to reopen and to seek permission to adduce oral evidence in support of his case.

2. Petition averments in brief in both the applications:-

The petitioner who is the J.D. in the case stated that the above case is posted for hearing the argument on his side and the petitioner is having oral and documentary evidence in support of his case. Hence to reopen and to adduce oral evidence in the above E.P. he has come forward with this present application.

3. Counter averments in brief in both the applications:-

The respondent denied the allegation that the respondent / decree holder obtained the award in his favour behind the back of the petitioner / J.D. This respondent further states that in the C.P. order passed by this court, the court directed the petitioner / J.D. to disburse the amount within a period of 6 weeks from the date of the order. But the petitioner / J.D. without disbursing the amount preferred a Writ Petition, challenging the said award, but he was unable to get favourable orders. Now with an intention to prevent the respondent/ Decree holder from realizing the award amount wantonly the petitioner has filed these applications. There are no merits in the applications and he requests for the dismissal of the same.

4. The petitioner / J.D. has simultaneously filed reopen petition and petition seeking permission to adduce oral evidence. Therefore this court is intended to pass common orders in respect of both the applications.

5. Whether these petitions are liable to be allowed or not?

6. POINT:-

On perusal of petition and counter, this court comes to know that the present petitioner who is the J.D. in the E.P. has come forward with these present applications to reopen and to seek permission to adduce oral evidence.

The petitioner who intends to reopen the case has to file the proper application with supporting affidavit. But he without supporting affidavit simply has filed the petition before this court. When this court asked the petitioner / J.D. about the maintainability of the application the petitioner took nearly four hearings to file the affidavit. On verification this court comes to know that he has filed the affidavit only in respect of the petition seeking permission to adduce oral and documentary evidence and failed to file affidavit in support of the reopen petition.

The petitioner who is the J.D. in the above case was not able to get favourable orders from this court in the I.D. preferred by the respondent / decree holder. Based on the I.D. award the respondent / decree holder has filed computation petition claiming monetary benefits and the same was also ordered in his favour. The petitioner / J.D. has preferred writ petition challenging the C.P. award unfortunately he was not able to get favourable orders in the W.P. filed by him.

The respondent/ D.H. to realize the award amount of Rs.8,63,536/- has filed the above execution petition. The petitioner in order to defeat the respondent / D.H. has chosen to file petitions after petitions. The petitioner has already filed E.A.No.1/2024 to determine various questions in the E.P. and that petition was dismissed by this court. The petitioner without

preferring any appeal against the orders of this court now has chosen to file the reopen application in order to adduce oral evidence. This court is of the view that the petitioner is intended to drag the proceedings and for that purpose alone he has chosen to file petitions after petitions. The respondent / D.H. who obtained the C.P. order as early in the year of 2013, till date is not able to execute the same. The petitioner / J.D. without making any payment to the respondent / D.H. is attempting to drag the proceedings. His act itself clearly exhibits his malafide intention. This court absolutely finds no merits in the applications and this court by this common order is dismissing both the applications.

In the result, these petitions are dismissed and there is no order as to costs.

Dictated to the Steno-Typist, typed by directly in the computer, corrected and pronounced by me in the Open Court, on this the 27th day of November, 2025.

**Presiding Officer,
Principal Labour Court,
Vellore.**