

**IN THE COURT OF DISTRICT MUNSIF, GUDIYATTAM,
VELLORE DISTRICT.**

Present: **Tr.K.Karthick Asath, B.A.,B.L.,(Hons).,LLM.,**
District Munsif,
Gudiyattam.

Monday, this the 16th day of February 2026

I.A. 01/2025
in
O.S.No.112/2017

1. Govindasamy (died)
2. Sundaram
3. Kanthammal Petitioners/defendants

// Versus //

Munirathinam Respondent /Plaintiff

This petition came up on 04.02.2026 before me for final hearing in the presence of Thiru.K.Rajini, Advocate for Petitioners and Thiru.K.Loganathan, Advocate for the Respondent and upon perusing the case records and having stood over for consideration till this day this court delivered the following.

Order

Petition filed under Section 151 of Code of Civil Procedure to reopen the defendant side witness for prove their case and pass necessary order.

1. Brief Averments of the Petition:-

The petitioner submit that if his defense will be consider along with defendant side witness No.3 the petitioner have an huge defect and Ex.X5 and Ex.X6, and the defendant side witness No.3 was deposing the witness

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contradiction, hence the petitioner need to treat the defendant side witness No.3 was hostile and also the petitioner have further evidence on his side and this Hon'ble court closed the defendant side evidence on 20.02.2025 due to the non appearance of the defendant, the petitioner was unable to appear on that day due to his ill health and absence of himself was neither willful nor wanton and the petitioner want to enquiry the revenue departments and he have good defense and also evidence, which was very essential to prove his case. There is no prejudice to the respondent/plaintiff if this petition is allowed. Hence the petitioner filed this petition for reopen the defendant side evidence. Unless allow this petition they will be put to great loss and hardship.

2. Brief Averments of the respondent :-

The present petition is filed without stating reasons. The DW3 examined by the petitioner is a public servant and the documents marked through him Ex.X5 and Ex.X6 are public documents. The petitioner cannot himself cross examine his own witness. No specific reason stated in the petition. Hence prayed to dismiss the petition.

3. Both side enquiry heard

4. Point for consideration:-

Whether the application is liable to be allowed ?

5. Evidence:-

No documents produced by both parties.

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6. Discussion :-

On perusing the available records and considering the submission made by the petitioner counsel this court passing the following order.

6.1. The petitioners are the defendants in the main suit. The respondent filed permanent injunction suit against the petitioners. While the suit posted for arguments on 20.03.2025 the petitioners filed this present petition for reopen the defendants side evidence. In the accompanying affidavit the petitioners stated that on defendants side they examined sub registrar as Dw3 and marked Ex.X1 to Ex.X5 after cross the Dw3 produced Ex.X6 on 06.08.2024. There is contradiction between Ex.X5 and Ex.X6 on that the Dw3 need to be treated as hostile and the Defendants side evidence closed by this court on 20.02.2025, non appearance of the petitioners happened due to ill health. He want to enquiry the revenue departments hence prayed to reopen the defendants side witness. Per contra the respondent filed counter stating that the petitioners can not cross examine their own evidence,only based on documents he deposed hence prayed to dismiss the petition.

6.2. On perusing the available records and both side submissions, the present suit pending from 09.11.2022 for defendants/petitioners side evidence. Finally on 06.08.2024 Dw3 evidence was closed and posted for further defendants side evidence. Only after giving sufficient opportunities to the petitioners on 27.08.2024, 18.09.2024, 22.10.2024, 28.11.2024, 11.12.2024, 09.01.2025, 23.01.2025, 06.02.2025 and 20.02.2025. Thereafter only this court closed the defendants side evidence on

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20.02.2025. In the affidavit there is no reasons stated by the petitioners for not producing any witness from 27.08.2024. It is further submit that the defendants side evidence not closed for the reason of their absence alone. This suit pending for more than 9 years. On perusal nearly 6 months time given to the petitioners to produce further evidence from 27.08.2024, but they failed to produce any witnesses. Even in the present petition the petitioners failed to state who has to be examine by them and what is the purpose of examining them is not mentioned. The petitioners failed to show sufficient cause for allowing this petition. Hence this court not inclined to allow the petition.

7. Result :-

As a result, this petition is dismissed without cost.

Dictated to Steno typist directly, typed by him corrected and pronounced by me in the open Court on this the 16th day of February 2026.

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Petitioners side Witnesses and Exhibits :- Nil

Respondent side Witnesses and Exhibits :- Nil

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