

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

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

Wednesday, this the 11th day of March 2026

I.A.05/2026
in
O.S.No. 144/2018

1. Rajeswari (died)
2. Ravivannan
3. Viswajith Dev
4. Dev Anand
5. Shyam Sundar ... Petitioners/ 5 and 10 to 13 defendants

(Amended and added as per order in IA.01/2020, dated 14.12.2020)

// Versus //

1. Kanthy
2. Lalitha
3. Vivekanandan
4. Sujatha
5. Narayanan
6. V.A.O, Sarangal Village
7. Sub – Registrar, Ambur
8. Thasildar, Pernambut
9. District Collector, Vellore Respondents/ 2 to 4 and
6 to 9 Defendants

These petitions came up on 09.03.2026 before me for final hearing in the presence of Thiru.K.Sanjeevi, Advocate for Petitioners and Thiru.K.Moganaraju, Advocate for the 1st Respondent and upon perusing

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the case records and having stood over for consideration till this day this court delivered the following.

ORDER

The application IA.No.05/2025 has been filed Under section 151 of the Code of Civil Procedure Code 1908 to reopen the suit for adducing evidence and arguments in the above suit which is posted for judgment and pass necessary orders..

1. The averments of the petitioner in the application:-

The petitioner submit that the respondent/plaintiff has filed the false suit for partition in respect of the suit property. The suit is posted for judgment on 18.02.2026, after evidence and arguments over of the plaintiff's side. In our side evidence is to be given and argument is to be done. On account of non availability of relevant and necessary documents to establish the facts and disprove allegations of the respondent/plaintiff's suit, the petitioners could not able to adduce evidence in time and do arguments. Now, the petitioners traced out the documents which are available for us to establish the facts and disprove plaintiff's suit as false.

2. The averments made in the counter filed by the 1st respondent:-

The 1st respondent filed counter and stating that defendants side evidence closed on 19.01.2026 and after hearing the plaintiff side argument the suit posted for judgment hence petitioner cannot filed this petition at this juncture and the same is not acceptable under law. The petitioner/defendant failed to file petition along with their side evidence.

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If the petition is allowed irreparable loss will be caused to this respondent hence prayed to dismiss the petition.

3. 1st Respondent side enquiry heard.

4. Point for consideration:-

Whether these applications are liable to be allowed ?

5. Evidence:-

Neither of the parties to these applications have adduced any oral or documentary evidence.

6. Discussion :-

On considering the submissions made by the respondents counsel and perusing the available records this court delineate and proceeds its findings based on the following discussion.

6.1. The petitioners are the defendants 5, 10 to 13 in the main suit. The 1st respondent filed partition suit hence the petitioners and other respondents 2 to 9. While the suit posted for judgment on 18.02.2026 the petitioners filed the present petition for reopen the defendants side evidence. In the petition affidavit the petitioner stated that due to non availability of relevant and necessary document to disprove the plaintiffs case they could not able to adduce evidence and do argument in the suit and they traced out the document which are availability establish the facts hence filed the present petition for reopen the suit.

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6.2. Per contra the 1st respondent filed counter and stating that defendants side evidence closed on 19.01.2026 and after hearing the plaintiff side argument the suit posted for judgment hence petitioner cannot file this petition at this juncture and the same is not acceptable under law. The petitioner/defendant failed to file petition along with their side evidence. If the petition is allowed irreparable loss will be caused to this respondent hence prayed to dismiss the petition.

6.3. On perusing the available records from 08.12.2025 this case posted for the defendants 3, 5, 10 to 13 side evidence. But the petitioners failed to produce their side evidence on 06.01.2026 and 19.01.2026 on that defendants side evidence closed and posted for both side arguments. While on 10.02.2026 the suit posted finally for both side arguments but the defendants side failed to argue the suit on that judgment reserved and posted on 18.02.2026. Subsequently on 13.02.2026 the present petition is filed by the petitioners for reopen their side evidence. In the petition the petitioners stated that now only a traced out documents to establish the facts and disprove the plaintiffs case hence prayed to reopen the evidence. Per contra the 1st respondent/plaintiff object to allow this petition.

6.4. It is further submit that the main suit filed by the 1st respondent for partition against the petitioners and other respondents along with the prayer to declare the four sale deeds executed in favour of the 1st petitioner as null and void. The 1st petitioner is subsequently died leaving behind the petitioners 2 to 5. The said petitioners 2 to 5 are strongly denying the case of the plaintiff. In this circumstances this court thinks necessary

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opportunities should be given to the parties to adduce evidences for decide the issues on merits. Allowing this petition will not cause any prejudice to the 1st respondent/plaintiff. But the defendants side evidence closed on 19.01.2026 itself but the petitioners filed the present petitioner only after reserving judgment hence the petitioners are liable to pay cost for their delay actions. For avoid multiplicity of proceedings and interest of justice this court inclined to allow this petition on cost.

7. Result :-

As a result the I.A.05/2026 for reopen the defendants side evidence is allowed on condition to pay cost of Rs.1000/- to the plaintiff on or before 16.03.2026. Petitioners are directed to produce their side evidence on 16.03.2026 without getting any further adjournments.

Dictated to Steno typist directly, typed by him corrected and pronounced by me in the open Court on this the 11th day of March 2026.

Sd/- K.Karthick Asath,
**District Munsif,
Gudiyattam.**

Petitioners side Witnesses and Exhibits :- Nil

Respondents side Witnesses and Exhibits :- Nil

Sd/- K.Karthick Asath,
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