

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

**Present : Thiru.M.N.Rajanandhivarmasiva, B.E., L.L.B.,  
District Munsif, Gudiyattam.**

Friday, the 24<sup>th</sup> day of March 2023

**IA.4/2022 in IA.2/2022 in OS.14/2021**

**CNR.No.TNVL10-000291 – 2020**

Argulmigu Pillaiyar (Koils)

Temples at Chinnalapalli and

Thattaparai Villages.

Rep.by its Parambarai (Hereditary) Dharmakarthis

Venkatesan S/o Govindasamy.

Chinnaraj S/o Munusamy.

Yuvaraj S/o M.Settu.

...Petitioners/Plaintiffs.

**// Versus //**

1. Devaraj.

2. Dharani.

3. Sankar.

4. Pichandi.

...Respondents/Defendants.

This petition came up on 24.03.2023 before me for final hearing in the presence of **Thiru.G.Ramachandran, M.A.,B.L.,** Advocate for Petitioners/Plaintiffs **Thiru.M.Chandramouli, M.A, B.L.,** Advocate for the Respondents/Defendants upon hearing both sides and having stood over for consideration, this court delivered the following

### **ORDER**

**Petition filed in IA.1/2021 Under Section 151 of CPC to reopen the police help petition in IA.No.2/2022 in this suit which is posted for order on 11.11.2022 for the petitioners further argument and for marking documents to render justice and to pass such other order or orders as deem fit and necessary under the circumstances of the case**

#### **I. Brief Averments of the Petition :-**

1.1. Suit for permanent injunction. Petitioners filed police help petition in IA.No.2/2022 in this suit and the same is posted for order on 11.11.2022. Otherside

stated in their written arguments that petitioners have not filed any documents to prove our case. Hence, the petition has to be reopened for marking documents on petitioner's side and for hearing our further arguments to render justices.

## **II. Brief Averments of the Counter :-**

(Filed by the 3<sup>rd</sup> Respondent adopted by the 1,2 and 4<sup>th</sup> Respondent)

2.1 The petitioner suppressed the real facts and files this petition the petitioner did not states the real reasons for why the delay was happen it is the bounded duty to the petitioner to show the reasonable cause to the delay of every single day but the petitioner evaded to do so, and the petitioner did not filed an single proof to prove there averments mentioned in the petition and accompanying affidavit. It is the duty to the petitioners to produce the documentary evidence to prove their case but the petitioner evaded to do so and the petitioner stated in his affidavit that this respondents taken a plea in their counter and written argument in IA.No.2/2022 that the petitioner did not filed any documents to prove his averments so now he file this petition to re-open the above case for filing documents and further arguments the respondents states that the above said reason is not a proper one to re-open the case because the petitioner should stand in his own pleadings and documents and not the respondents, this petition filed by the petitioner only for fill up the lacuna in his case for the reasons iself the above petition is liable to be dismissed in limini.

**No oral evidences adduced on either side, and no documents marked on either side.**

**Heard both sides and records perused**

**III. Point for Considerations: -**

**Whether the petition is to be allowed or not?**

Heard both sides considering the facts of case it is always desirable to decide the case only on the merits of the case and not otherwise. Hence, this court is of the view that in the interest of justice, the petitioners are to be given one more opportunity to conduct his case on merits and there will no prejudice to the respondents as they could be compensated by way of costs for the delay caused by the petitioner.

**Accordingly this petition is allowed on payment of cost of Rs.500/- to be paid by the Petitioners to the Respondent.**

Directly Dictated to Steno typist, typed by her corrected and pronounced by me in the open Court on this the 24<sup>th</sup> day of March 2023.

**Sd/-M.N.Rajanandhivarmasiva,  
District Munsif,  
Gudiyattam.**

**Both side Witnesses and Exhibits :- Nil**

**Sd/-M.N.Rajanandhivarmasiva,  
District Munsif,  
Gudiyattam.**