

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

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

Friday, this the 14th day of November 2025

I.A. 02/2025
in
O.S.No. 215/2015

R. Gopal

.... Petitioner/ Plaintiff

// Versus //

1. Raji Gounder (Died)
2. R. Govindasamy
3. R. Venkatesan
4. Salammal
5. Kasthuri
6. Valliammal
7. Jayaprakash
8. Sivagami
9. Kubendiran
10. Shyamala

.... Respondents/ Defendants

This petition came up on 29.10.2025 before me for final hearing in the presence of Thiru.K.M.Boopathi, Advocate for Petitioner and Thiru.K.Moganaraju, Advocate for the respondents and upon perusing the case records and having stood over for consideration till this day this court delivered the following.

Order

Petition filed under Order 18, Rule 19(a) and Section 151 of Code of Civil Procedure to reopen the above said case to examine further oral and documentary evidence on behalf of petitioner side and pass such other orders.

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

The petitioner submit that he have filed the above said suit for declaration, partition and also for injunction. The petitioner examined himself as PW1 and now the matter is posted for arguments. Now the 3rd respondent/defendant herein known the entire facts and the petitioner want to examine him as one of the witness and also he want to mark other documents. Since the contesting defendant claiming right over the borewell put up by petitioner and he want to prove the same. Hence the petitioner filing this application to reopen the case to let in further oral and documentary evidence on behalf of his side. Otherwise the petitioner would put to great hardship and loss. If the petition is allowed, no prejudice will be caused to other side.

2. The averments of the counter filed by the respondents:-

The respondent submit that the above case was posted for arguments and hence now the petitioner has cannot file the petition at this juncture and the same is not acceptable under law. The respondent further submits that the petitioner has filed the above for partition and declaration and the above suit property is common property belongs to plaintiff and defendants and the same has been admitted by the plaintiff. The respondent further submits that the both side evidence has been closed and this petitioner has filed the petition on the belated stage and for the reason itself the petition has to be dismissed. Further this petitioner has filed this petition to drag on the proceedings and willfully and wantonly the filed this petition to harass this petitioner.

3. Both side enquiry heard.

4. Point for consideration:-

Whether this application is liable to be allowed ?

5. Evidence:-

Neither of the parties to this application have adduced any oral or documentary evidence.

6. Discussion:-

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

6.1. The petitioner is the plaintiff in the main suit. He filed the suit for declaration, injunction and partition against the respondents. The petitioner examined himself as PW1 and plaintiff side evidence was closed on 13.07.2023. After closing the defendant side evidence the suit was pending for argument from 21.02.2025. In such circumstances on 21.03.2025 the petitioner side filed this petition to reopen plaintiff side evidence.

6.2. It is further submit that the petitioner stated that to examine 3rd respondent and marking documents to prove his case he want to reopen the plaintiff side evidence. While the suit pending for more than 10 years and plaintiff side evidence closed on 13.07.2023 this petition is filed only after lapse of 20 months to reopen the plaintiff side evidence. The counter objections are formal one. The petitioners also wrongly mentioned the

provision as Order 18, Rule 19(a) but the petitioner seeks relief under Rule 17 for reopen. On interest of justice those errors are dispensed. On considering the nature of suit this court thinks opportunity may be given to the petitioner to adduce his case by oral and documentary evidence as prayed. On considering the above discussion this court inclined to allow this petition.

7. Result:-

As a result this petition is allowed, on condition to pay cost Rs.2000/- to the 2nd respondent on or before 24.11.2025.

Dictated to Steno typist directly, typed by him corrected and pronounced by me in the open Court on this the 14th day of November 2025.

**District Munsif,
Gudiyattam.**

Petitioner side Witnesses and Exhibits :- Nil

Respondent side Witnesses and Exhibits :- Nil

**District Munsif,
Gudiyattam.**