

**IN THE COURT OF ADDITIONAL DISTRICT MUNSIF COURT,
POLLACHI.**

**PRESENT: Thiru. M.S.SREENATH, B.A., B.L.,(Hons) L.L.M.,
Additional District Munsif, Pollachi**

Monday 22nd day of September 2025

IA. No.3/2025

in

IA.No.2/2023

in

O.S.No.124/2023

S.Arumugam

.... Petitioner/ Respondent
Defendant

-Vs-

S.Duraian

... Respondent/Petitioner
Plaintiff

This Petition came up for final hearing before me in the presence of Thiru B.Selvakumar, learned Counsel for the Petitioner and in the presence of Thiru R.Mahadevan, as learned counsel for respondent. Upon hearing the arguments of the both sides and upon perusing the materials on record and having stood over for consideration till this day, this court passes the following:

ORDER

This petition has been filed under Order 8 R 1(3) of CPC to receive the documents mentioned in the petition.

2. GIST OF THE PETITION

The petitioner herein is the respondent in the above I.A.No.2/2024 and the defendant in the above suit O.S.No.124 of 2023. The respondent herein is the petitioner in the above I.A.No.2/2024 and the plaintiff in the above suit O.S.No.124/2023. The petitioner submitted that the respondent herein has filed the above suit O.S.No.124 of 23 against him for the relief of permanent injunction and for other reliefs. He has also filed the above 1.A.No.2/2024 to amend his name as "Arumugam @ Wilson" and his religion as christian." He also submitted that the respondent is his elder brother. Both of us belong to Hindu religion. The petitioner has submitted that he filed his counter statement in which he had stated that he belong to Hindu Religion only and not to Christian Religion as alleged by the respondent herein. Further his name is Arumugam only and not Arumugam @ Wilson as alleged by the respondent in L.A.No.2/2024. The Petitioner further stated that he has ready to produce the relevant documents such as Aadhar Card, Family Card (Smart Card) etc to prove his name etc. He is prayed to receive the documents and accept the same.

3. GIST OF COUNTER FILED BY RESPONDENT

The respondent filed a counter stating that the petition is frivolous, false, vexatious, and not maintainable. Except for the facts admitted herein, the petitioner is put to the strict proof of other facts. The petition in IA.1/2023 was allowed by this court on 02.09.2023 and subsequently the respondent has filed IA.2/2023 to amend the plaint. It is submitted that since the amendment petition is filed as per order in IA.1/2023, the documents filed by the petitioner are not admissible. This IA 3/2025 is not maintainable. The documents filed in this petition is not relevant to the amendment petition in IA 2/2022. Hence this IA 3/2025 may be dismissed and as per Order in IA 1/2023 dated 02.09.2023, IA 2/2023 may be allowed.

4. DISCUSSION

Both sides were heard, records perused, and rival submissions considered. On perusal of the petition and counter, it is clear that the petitioner has filed petition documents to show his name and religion. There is a dispute between the parties over the name of the defendant. Utmost opportunities must be given to parties at trial court to put forth their case and the petition documents cannot be denied at the outset. In cumulative effect of the aforesaid discussion and in the interests of justice, this court is inclined to allow this petition.

IN THE RESULT, this petition is ALLOWED. No costs.

Dictated by me, typed by steno typist on my computer and corrected by me and pronounced by me in open court on this 22nd day of September, 2025.

Sd/.....(M.S.SREENATH)
ADDITIONAL DISTRICT MUNSIF
POLLACHI

Petitioner side witnesses and documents:Nil

Respondent side witnesses and documents:Nil

Sd/.....(M.S.SREENATH)
ADDITIONAL DISTRICT MUNSIF
POLLACHI

Fair Order
Fair/Draft
I.A.No.3/2025 in I.A.2/2023 in O.S.124/2023
Date: 22.09.2025
Additional District Munsif Court, Pollachi
