

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

Present : Tmt.M.Santhosham., B.Sc., B.L.,

District Munsif, Sulur

Thiruvalluvar year 2056 Visvavasu year, 23rd day of Panguni

Monday the 6th day of April 2026

I.A.No.2/2026

in

O.S.No.3/2026

S. Rajeswari

... Petitioner/ Plaintiff

/VS/

1. Jenifer

2. K. Palanisamy

3. K. Shanmugam

4. Thirumoorthy

5. R. Muthurangan

6. D. Rajeswari

7. R. Rakkimuthu

... Respondents/Defendants

This petition is coming on this day for final hearing before me in the presence of Mr.N.Thangaraj, Advocate for the Petitioner and Mr.B.Prakash, Advocate for the 1st Respondent and the 2nd to 7th Respondents are set exparte in main suit and upon perusing the records, and this court made the following:

ORDER

This petition filed by the petitioner under order 7 Rule 14(3) of CPC to file the petition mentioned documents on the petitioner behalf as the petitioner's side exhibits.

1. The brief averments of the affidavit filed by the petitioner as follows:

1.1. The petitioner have filed the above case for declaration of title and

recovery of possession of the suit schedule property, Mandatory injunction directing the 1st defendant to hand over vacant possession of the suit schedule property and permanent injunction and for other reliefs which is posted today for PW.1 cross examination. Petitioner have filed 1 to 13 documents along with proof affidavit not petitioner have to file additional documents which is mentioned in the petition which has been to be produced and to be marked.

1.2. At the time of filing the plaint petitioner have not filed this documents due to oversight since it is not available. This documents are essential to prove petitioner case. The delay in filing the petition mentioned documents are neither wanton nor negligent. Unless petitioner permitted to file the petition mentioned documents on his behalf, petitioner will be put to much loss and hardship. Hence, the petition is to be allowed.

2. The brief averments of Counter statement filed by the 1st Respondent as follows:

2.1. This petition is frivolous, vexatious and petitioner/plaintiff is trying to mislead this court. The petition is totally fraudulent and petitioner fabricated the petition and trying to defraud the respondent. Court may be peruse the document and instantly the court can come to a conclusion to document dated 02.02.2018 is fraudulent one. Moreover, the document dated 02.02.2018 cannot be accepted as it is a prepared one and the document doesn't have authentication. Merely the petitioner is trying to show that, petitioner had given complaint to police in respect of lost original complaint. Normally on no one will get attest from Notary for police complaint. And also the document does not have any police endorsement and petitioner failed to file receipt of the police complaint. So recently petitioner prepared this complaint with a compulsion that petitioner has adduced evidence that she lodged complaint with police. So, that petitioner is in position to file a copy of a police complaint before this court as petitioner assured the same. But petitioner has created fabricated a story also along with complaint.

2.2. Respondent has filed petition for expert opinion to find out genuinity of the signature of the petitioner and seal and signature of the notary ie period of the execution. It is mandatory for justice that expert opinion will assist the court to come to conclusion. So the court, the document dated 02.02.2018 send the document to forensic lab to get expert opinion. Then only justice will be emerged and how for petitioner is trying mislead the court. Hence, the petition is to be dismissed.

3. No Witnesses were examined on either side, and no documents were marked as exhibits.

4. Points for Consideration:-

Whether the petition under order 7 Rule 14(3) of CPC to file the petition mentioned documents on the petitioner behalf as the petitioner's side exhibits is to be allowed?

5. Points :-

5.1. The petition affidavit, counter and the enquiry of both parties were carefully considered. Heard the counsels for both the parties, case records perused. The petitioner stated that, at the time of filing the plaint petitioner have not filed this documents due to oversight since it is not available. This documents are essential to prove petitioner case. The delay in filing the petition mentioned documents are neither wanton nor negligent.

5.2. The respondent objected that, the document dated 02.02.2018 cannot be accepted as it is prepared one and the document doesn't have authentication. Merely the petitioner is trying to show that, petitioner had given complaint to police in respect of lost original complaint. Normally on no one will get attest from Notary for police complaint. And also the document does not have any police endorsement and petitioner failed to file receipt of the police complaint. So

recently petitioner prepared this complaint with a compulsion that petitioner has adduced evidence that she lodged complaint with police. So, that petitioner is in position to file a copy of a police complaint before this court as petitioner assured the same. But petitioner has created fabricated a story also along with complaint.

5.3. On perusal of records, the main suit is filed for declaration of title, recovery of possession and Mandatory injunction. Now this suit is pending for appearance of PW.1 cross examination. This being the trial court, have to given opportunity to the both sides to elucidated both side case before this court. Further this being the declaration of tiled suit, this court must considered both side oral and documentary evidences. Validity of the document will be decided at the time of Judgment. Hence, this court thinks an opportunity can be given to the petitioner/plaintiff to mark the additional documents to prove plaintiff case.

In the result, this petition is allowed. No cost.

Dictated to the Steno-typist and directly typed by her in computer, corrected and pronounced by me in open court this the 6th day of April 2026.

Sd/M.Santhosham
District Munsif,
Sulur.

List of witnesses and documents on Petitioner side:- - Nil

List of witnesses and documents on Respondents side:- - Nil

Sd/M.Santhosham
District Munsif,
Sulur.

Draft/ Fair Order
 I.A.No.2/2026 in
 O.S.No.3/2026
 Dated:06.04.2026
 DMC, Sulur