

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

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

District Munsif, Sulur

Thiruvalluvar year 2056 Visvvasu year, 9th day of Panguni

Monday the 23rd day of March 2026

I.A.No.3/2025

in

O.S.No.57/2022

1. S. Krishnakumar

2. S. Rajagopal

3. S. Chitradevi

... Petitioners/Plaintiffs

/VS/

1. M/s Chemindia Petrochems Private Ltd. Coimbatore

Rep by its Managing Director Mr.D.Surenderan

2. D. Surenderan

Managing Director M/s. Chemindia Petrochems

Private Ltd.

3. M. Kamakshi

Director, M/s. Chemindia Petrochems

Private Ltd. Coimbatore.

4. M/s Gokulam Chits & Finance Co Pvt Ltd – Coimbatore

Rep by its Branch Manager.

...Respondents/Defendants

This petition is coming on this day for final hearing before me in the presence of Mr. T.Raja, Advocate for the Petitioners and Mr.L.Rajendran, Advocate for the 2nd Respondent and Mr. A.P.Narayanaswamy, Advocate for the 3rd Respondent

and Mr.R.Balaji, Advocate for the 4th Respondent and the 1st Respondent set exparte in main suit and upon perusing the records, and this court made the following:

ORDER

This petition filed by the petitioners under order 11 rule 14 R/W section 151 of CPC to direct the defendant to produce the documents listed in the petition.

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

1.1. The petitioners are the Class - II legal heirs of deceased Santharam. The 2nd and 3rd Respondents and the above said deceased Santharam were running a company in the named M/s. Chemindia Petrochems Private Limited which is arrayed as 1st Respondent. The petitioners/plaintiffs purchased the suit property on 31.08.2011 in the name of their brother deceased Santharam vide the Sale deeds bearing No.16883/2011, 16884/2011, 16885/2011, 16886/2011,16887/2011. The deceased Santharam had kept the original sale deeds in the custody of the 2nd and 3rd Respondents in the office of the 1st Respondent for his convenience purpose.

1.2. The deceased before his retirement from the said company, had requested the 2nd and 3rd respondents to hand over back the sale deed to him. But the respondents under one pretext or the other were not handing over the document to the deceased Santharam. Under this situation the Santharam died on 25.01.2021. After the death of Petitioners/ plaintiffs' brother Santharam, they had contacted the Respondents and requested to return back the above said five sale deeds. But the 1st and 2nd Respondents intimated that the said sale deeds are with the 4th Respondent who is a finance company is doing money lending business at Coimbatore. When the petitioners/plaintiffs approached the 4th Respondent, they also gave evasive reply and they also failed to give any certain answer as to where the original sale deed lies.

1.3. Hence petitioners/plaintiff filed the main suit for Permanent injunction restraining the Respondents from in anyway disturbing or encumbering the

Petitioners' peaceful possession and enjoyment of the suit property. The 4th Respondent in his written statement states that the deceased Santharam was a chit subscriber in the 4th Respondent company and the deceased had handed over the above said original sale deeds to them as surety for the liability Santharam had incurred. In order to prove that there exist no such liability between the 4th Respondent and the deceased Santharam, the documents stated in the accompanying petitioner which are in the possession or power of the 4th Respondent are necessary for the fair adjudication of the suit. Hence, the petition is to be allowed.

2. The brief averments of Counter statement filed by the 4th Respondent as follows:

2.1. The contents of the petition are false, frivolous, misleading and not admitted either in facts or before law. The 4th Respondent specifically denied contents found in all para's in affidavit each and every line and the onus lies on the Petitioner to prove the same. The deceased Santharam was Chit Subscriber, and 1st Respondent Company also subscriber in 4th Respondent Chit Company and regarding any dispute in Chit business comes under Chit funds Act, 1982 and as per Section 64 (3) of the Chit funds act is extracted hereunder: "No Civil Court Shall have Jurisdiction to entertain suit or other proceedings in respect of any dispute referred to in Sub-Section (1)"

2.2. If the Petitioners has any dispute in Chit transaction they have available remedy only to approach Chit Registrar Court under Chit Fund Act But unfortunately the Petitioner Wrongly filed Suit against the 4th Respondent before this Court and further they cannot invoke the Jurisdiction of this Court and file this Suit against the 4th Respondent and therefore in the eye of Law the above suit itself is not maintainable and the suit is liable to be dismissed in limine against the 4th Respondent.

2.3. The Petitioners are Original Legal heris Show the Prepare Documents (Concern Government authority/Court) they are Legal heirs of Deceased

Santharam the Company ready to furnish all the relevant Documents of Chit transaction and if they were Paid entire outstanding dues to the 4th Respondent chit Company and the 4th Respondent Chit Company is ready to hand over the Original Documents Which are deposited by deceased Santharam before the Chit Company (Sale deed Doc. No. 16883/2011, 16884/2011, 16886/2011). The Petition mentioned Documents are irrelevant in fact and issue of the above Suit and therefore the Respondents/Plaintiff are not necessary to produce the said Documents before this Court. Hence, the petition is to be dismissed.

3. The brief averments of Counter statement filed by the 2nd Respondent as follows:

3.1. The petition filed by the petitioner is not maintainable either in law or on facts. The petitioners petitioners/plaintiffs alleges all along the suit plaint and the present affidavit and petition that the properties are acquired by them in the name of late Santharam by spending their money. The petitioners/plaintiffs are put to strict proof to prove the same. The 2nd respondent/ 2nd defendant is not aware about the deposit of title deed to the 4th respondent/ 4th defendant. The chit subscription by the deceased Santharam with the 4th defendant and all other connected allegations are not within the knowledge of this 2nd respondent/ 2nd defendant. This petition is a misues of process of law and devoid of merit. The petitioners/plaintiffs filed the present suit for the relief of Permanent injunction and now it is obvious that the petitioners/plaintiffs filed the main suit without title deed or title over the suit property. Hence, the very basis of the plaintiffs' claim is not sustainable. The petition lack bonafidity and devoid of merits. Hence, the petition is to be dismissed.

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

5. Points for Consideration:-

Whether the petition under order 11 rule 14 R/W section 151 of CPC to direct the defendant to produce the documents listed in the petition is to be allowed?

6. Points:-

6.1. The petition affidavit, counter and the enquiry of both parties were carefully considered. Heard the counsels for both the parties. The suit documents were carefully examined. The main suit is filed for permanent injunction against the Respondents/Defendants. The original suit is pending for trial in list.

6.2. The Petitioners stated that, Santharam died on 25.01.2021. When the petitioners/plaintiffs approached the 4th Respondent, they also gave evasive reply and they also failed to give any certain answer as to where the original sale deed lies. The 4th Respondent in his written statement states that the deceased Santharam was a chit subscriber in the 4th Respondent company and the deceased had handed over the above said original sale deeds to them as surety for the liability Santharam had incurred. In order to prove that there exist no such liability between the 4th Respondent and the deceased Santharam, the documents stated in the accompanying petitioner which are in the possession or power of the 4th Respondent are necessary for the fair adjudication of the suit.

6.3. The respondents objected that, if the Petitioners has any dispute in Chit transaction they have available remedy only to approach Chit Registrar Court under Chit Fund Act But unfortunately the Petitioner Wrongly filed Suit against the 4th Respondent before this Court and further they cannot invoke the Jurisdiction of this Court and file this Suit against the 4th Respondent and therefore in the eye of Law the above suit itself is not maintainable and the suit is liable to be dismissed in limine against the 4th Respondent. The chit subscription by the deceased Santharam with the 4th defendant and all other connected allegations are not within the knowledge of this 2nd respondent/ 2nd defendant.

6.4. On perusal of records, respondents objected that, Santharam was Chit Subscriber, and 1st Respondent Company also subscriber in 4th Respondent Chit Company and regarding any dispute in Chit business comes under Chit funds Act,

1982 and as per Section 64 (3) of the Chit funds act is extracted hereunder: "No Civil Court Shall have Jurisdiction to entertain suit or other proceedings in respect of any dispute referred to in Sub-Section (1)". If the Petitioners has any dispute in Chit transaction they have available remedy only to approach Chit Registrar Court under Chit Fund Act. The Petitioners are Original Legal heirs Show the Prepare Documents (Concern Government authority/Court) they are Legal heirs of Deceased Santharam the Company ready to furnish all the relevant Documents of Chit transaction and if they were Paid entire outstanding dues to the 4th Respondent chit Company and the 4th Respondent Chit Company is ready to hand over the Original Documents Which are deposited by deceased Santharam before the Chit Company (Sale deed Doc. No. 16883/2011, 16884/2011, 16886/2011). Hence, considering the objection and the above stated reasons in the counter, this petition is not maintainable.

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

Dictated to the Steno-typist and directly typed by her in computer, corrected and pronounced by me in open court this the 23rd March 2026.

Sd/M.Santhosham

District Munsif,

Sulur.

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

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

Sd/M.Santhosham

District Munsif,

Sulur.

Draft/ Fair Order

I.A.No. 3/2025 in

O.S.No.57/2022

Dated: 23.03.2026

DMC, Sulur