

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

Present : **Tmt.N.Renuga., B.A., B.L.,**

District Munsif, Sulur

Wednesday the 30th day of October 2024

IA.9/2024

in

O.S.No. 128/2018

1. Ganesagounder

2. G.Marisamy

...Petitioners/ 1st and 2nd Defendants

/VS/

1. A.Ramasamy

...Respondent/Plaintiff

2. Balasubramaniam

3. Lokeshkumar

4. Goutham

5. Parimalam

6. V.R.Ravichandra

7. C.Annamalai

...Respondents/ 3rd to 8th Defendants

This petition is coming on 23.10.2024 for final hearing before me in the presence of Mr.V.Raveendran, Advocate for the Petitioners and Tmt.D.Chitra and Mr.P.Karthikeyan, Advocates for the 1st Respondent and Mr.N.Sivakumar, Advocate for the 2nd to 5th Respondents and Mr.R.Venkatesan, Advocate for the 6th and 7th Respondent and upon perusing the records, and this court made the following:

ORDER

Petition filed by the petitioner under order 8 rule 1A (3) and section 151 of CPC to receive the documents by condoning the delay.

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

1.1. The main suit was posted for defendants side evidence. At the time of

filing of the written statement the documents is not available with the petitioners/ 1st and 2nd defendants. Therefore they not able to produce the document at the time of filing of the written statement and at the earlier stage. The document is very essential to prove petitioners/ 1st and 2nd defendants case. Hence, the petition.

2. The brief averments of the counter statement filed by the 1st respondent as follows:-

2.1. The petition is false, frivolous and unsustainable in law and on facts. The petitioners has prove the reasons mentioned in the affidavit for non production of the documents in earlier point of time along with the written statement. The petitioners has not stated any reason for delay in production of this documents No.1 to 4. The documents No.5 to 8 are not relevant to the present suit. The Documents No.9 to 15 has no connection with the present suit. Hence, this petition has to be dismissed.

3. Point for consideration:-

Whether the petition under order 8 rule 1A(3) and section 151 of CPC to receive document is to be allowed?

4. Points:-

4.1. Heard the counsels for both the parties. The petitioners/ 1st and 2nd defendants filed this petition to receive the petition mentioned documents which are partition deed, sale deed, A-Registers, Adangal, kisth receipt, and chitta. The suit in the year of 2018 and now the case is pending in the stage of defendants side evidence for marking of documents. The documents filed along with the petition it can be receive with subject to proof relevancy and admissibility to decide the case on merits.

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 30th day of October 2024.

Sd/N.Renuga

District Munsif,

Sulur.

List of witnesses and documents on petitioner side:

Nil

List of witnesses and documents on Respondents side:-

Nil

Sd/N.Renuga
District Munsif,
Sulur.

Draft/ Fair Order
I.A.No.9/2024 in
O.S.No.128/2018
Dated : 30.10.2024
DMC, Sulur.