

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.14/2026

in

O.S.No.529/2017

1. R. Palanisamy (Died)
2. P. Vijayalakshmi
3. P. Thangaraj
4. P. Vivek

...Petitioners/ 2nd to 4th Plaintiffs

/VS/

1. N. Rangasamy (Died)
- 2.N. Balakrishnasamy
3. Periyammal (Died)
4. S. Thangavelu
5. Valliathaal
6. Banumathi
7. T. Jayanthi
8. T. Suresh
9. P. Gopalakrishnan
10. B.C. Gnanam
11. T. Mani
12. P. Jaganathan
13. The Tahsildhar
Sulur Taluk
14. The District Collector,
Coimbatore District.

15. The Sub-Registrar,

Singanallur

16. Kalamani

17. Sangeetha

...Respondents/Defendants

This petition is coming on this day for final hearing before me in the presence of Mr.S.Jegadheesan, Advocate for the Petitioners and Mr.Nambikai Domanic, Advocate for the 2nd , 4th to 12th Respondents and stated that no counter and Mr.P.P.Suresh Kumar, Advocate for the 16th and 17th Respondents and the 13th to 15th Respondents are set exparte in main suit and the 1st and 3rd Respondents are reported died and upon perusing the records, and this court made the following:

ORDER

Petition filed by the petitioners under Order 7 Rule 14(3) and section 151 of CPC to recall the PW.2 for further marking of documents.

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

1.1. The above suit is filed against the defendants for seeking the relief of Declaration and Permanent injunction. The 1st and 2nd defendants filed an earlier suit in O.S.No.450/2011 and the said suit was dismissed by the 2nd Additional Subordinate judge, Coimbatore vide its judgment and decree dated 20.11.2013, a copy of decree of the same has already been marked as exhibit in this present suit.

1.2. Other court records in the O.S.No.450/2011 filed against the 1st defendant are very much essential and vital documents to decide the present suit filed against the defendants. The decree passed in the said suit has been marked as Ex.A.12, the marking of plaint and judgment are very much essential to decide the case in accordance with law. Hence petitioners/plaintiffs filed application to sent for the records in said suit and same has been received by this court. The petition

mentioned vital document which is not produced at the time of trial. The said documents have been received by this court. Hence, there is a delay in producing documents morefully described in the accompanying petition. Unless the delay in producing the documents is condoned petitioners will be put to much loss and hardship. Hence, the petition is to be allowed.

2. The brief averments of the Counter Statement filed by the 17th Respondent and adopted by the 16th Respondent as follows:-

2.1. The above application is false, frivolous, vexatious and unsustainable under the law and on the facts of the case. Except those that are specifically admitted herein these respondents denys the entire allegations, averments and claims made in the petition and affidavit and puts the petitioners to the strict proof of each and every one of them. These respondents are not party to the said suit in O.S.No.450/2011 and the same will not bind the rights of these respondents over the suit property.

2.2. The said documents has been sent for this court from the Hon'ble Sub Court record Coimbatore and the same has been received by this court. The documents sought by the petitioners have been sent for the received by this court. Hence, this application is not maintainable as per law since the documents are already received and kept in the file of this court.

2.3. The petitioners have not produced those documents separately to seek permission and leave of this court. Hence, this application is unnecessary and unwarranted one at this stage. Actually the petitioner produced those documents, then only the petitioners ought to seek leave to file those documents with delay. But the documents sent for from the sub court Coimbatore and absolutely no need to file this leave application by the petitioner and the same is not maintainable one as per law. Actually the petitioners are not author of the documents received from the sub

court, Coimbatore and they cannot give any evidence to that effect. The above application is devoid of all legal and moral merits and the same is liable to be dismissed with cost.

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) and section 151 of CPC to recall the PW.2 for further marking of documents 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. The suit documents were carefully examined. The original suit is filed for seeking relief of Declaration and Permanent injunction. Now the suit is pending for recall of PW.2 for further marking of documents.

5.2. The petitioners stated that, the 1st and 2nd defendants filed an earlier suit in O.S.No.450/2011 against the 1st plaintiff in respect of the suit property and the said suit was dismissed by the 2nd Additional Subordinate judge, Coimbatore vide its judgment and decree dated 20.11.2013, a copy of decree of the same has already been marked as exhibit in this present suit. Other court records in the O.S.No.450/2011 filed against the 1st defendant are very much essential and vital documents to decide the present suit filed against the defendants. The marking of plaint and judgment are very much essential to decide the case in accordance with law.

5.3. The respondents objected that, The documents sought by the petitioners have been sent for the received by this court. Hence, this application is not maintainable as per law since the documents are already received and kept in the

file of this court. The petitioners have not produced those documents separately to seek permission and leave of this court. Hence, this application is unnecessary and unwarranted one at this stage.

5.4. This being the trial court, have to given opportunity to both sides to elucidated both side case before this court. Further this being the Declaration and Permanent injunction of title suit, this court must considered both side oral and documentary evidences. The proof relevancy and admissibility of the documents will be decided only at the time of pronouncement of judgment, without marking any documents, it cannot be rejected. Hence, in the interest of justice this petition is allowed.

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 23rd day of 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.14/2026 in
O.S.No.529/2017
Dated : 23.03.2026
DMC, Sulur.