

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

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

District Munsif, Sulur

Thursday the 14th day of November 2024

IA.15/2024

in

O.S.No.1071/2017

C/W

OS.No.160/2021 and OS.No.8/2021

Thiru.Sakthikumar (a) Vijayaragavan

...Petitioner / 3rd party

/VS/

1. Thiru.Manokaran

2. Tmt.Thulasimani

3. Thiru.Gowriprakash

4. Selvi.Piriya(Formerly Minor)

5. Selvi.Pirundha (Formerly Minor)

6. Ramasamy gounder (Died)

...Respondents/ Plaintiffs

This petition is coming on 04.11.2024 for final hearing before me in the presence of Mr.P.Srinath, Advocate for the Petitioner and Mr.A.Kuppuraj, Advocate for the Respondents and upon perusing the records, and this court made the following:

ORDER

Petition filed by the petitioner under order 8 rule 1A of CPC to receive the documents.

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

1.1. The petitioner is the defendant in OS.No.8/2021 and OS.No.160/2021.

The plaintiffs are filed the three main suits for declaration and permanent injunction against the petitioner. At the time of filing written statement the petitioner could not obtained the said documents with the concern department. Hence, the petitioner unable to file the said documents at the time of filing of written statement. Now only they obtained the said document. It is a vital document to prove his defense. Hence, the petitioner filed this petition to receive the said documents. Hence, the petition.

2). The brief averments of the counter statement filed by the 3rd Respondent and adopted by other Respondents as follows:-

2.1. The petition is false, frivolous and unsustainable in law and on facts. The petition is an abuse of process of court. The alleged petition mentioned documents sought to be produced cannot be allowed to be received as additional documents. The petitioner to produce the petition mentioned documents without any valid reason at this juncture. The petitioner has not properly explained for the delay in producing the petition mentioned documents. The petition mentioned documents are all invalid in law. The present petition is devoid of any truth or merit whatsoever, and the same is liable to be dismissed.

3. Point for consideration:-

Whether the petition under order 8 rule 1A of CPC to to receive the documents is to be allowed?

4. Points:-

4.1. Heard the counsels for both the parties. The respondents/plaintiffs filed the main suit for the relief of declaration and permanent injunction against the petitioner. The petitioner filed this petition for to receive the petition mentioned documents which are the compromise decree in OS.No.379/2016, patta for S.F.No.614/1E1, plaint in OS.No.108/2005 and OS.No.39/2023, W.P.No.29043/2022 on the file of Hon'ble High Court, Madras.

4.2. The main case in OS.No.1071/2017 is connected with OS.No.8/2021 and OS.No.160/2021 and pending in the stage of defendants side evidence. This being

the trial court, have to given opportunity to both sides to elucidated both side case before this court. 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 14th day of November 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.15/2024 in
O.S.No.1071/2017
Dated : 14.11.2024
DMC, Sulur.