

In the Court of the Principal District Judge,
Kancheepuram District at Chengalpattu

Present :- Thiru. R.Selvakumar, B.A.M.L.,
Principal District Judge, Chengalpattu

Wednesday the 3rd day of October 2017.

I.A. 1101/2017 in Ind.O.P. No. 201/2012

1. D. Balakrishnan.
2. D.Sampath Kumar
3. D. Sukumar .. Petitioners/Defendants.

//Versus//

1. P. Vimala.
2. B. Vasantha.
3. R. Bharathi. .. Respondents/Plaintiffs.

This petition is coming on 21.9.2017 before me for final hearing in the presence of Thiru. Syed Ismail Advocate for the Petitioners, M/s.T.Easwaradhas, P.Joseph and R.Meenakshi Advocates for the Respondents and upon hearing the arguments of both sides and upon perusing the documents, this Court delivered the following

ORDER

This application has been filed under Order 8 Rule 1(3) of C.P.C. to condone the delay in receiving the documents filed along with the petition.

2. Point for consideration:

Whether the petition deserves to be allowed?

3. **Point:**

This application has been filed to receive the additional documents now filed along with the petition. In the counter it has been alleged that the document No.1 a Will dated 22.1.1993 and another document No.4 a document dated 6.1.2011 are not

valid and they have not been produced along with the plaint. Further when a notice was issued to produce the Will i.e document No.1 it has not been produced. Execution of the Will is denied. The genuineness of the document so called Will and another document No.4 can be tested only during trial. Both the documents does not require registration and other documents filed along with the petition have no serious objections. All are admissible documents. By receiving the documents no prejudice will be caused to the other side. They have opportunity to oppose the document by way of cross examination. On the other hand, if it is refused to be received by the Court, it may lead to miscarriage of justice. In order to have proper and fair trial, this Court finds the petition deserves to be allowed.

5. In the result, this petition is allowed. The documents filed along with the petition are ordered to be received subject to the proof and relevancy. No costs.

Dictated to the Stenographer, taken down, transcribed, Computerized by him, corrected and pronounced by me in the open court, this the 3rd day of October 2017.

*

Sd-R.Selvakumar
Principal District Judge
Chengalpattu