

**IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE
CHENGALPATTU**

Present: **Tmt.K.Kayathri, M.A.B.L.**
Additional District Judge,
Chengalpattu.

Monday, the 9th day of September 2024
I.A.No.2/2023 in O.S.No.4/2015
CNR No:TNKP01-000038-2015

1. Kamatchi Ammal (died)
2. Purushottaman (died)
3. Mr. P. Srinivasan
4. Mr. V. Vasu
5. Ms. Karpagavalli
6. Mr. Deenadayalan
7. Ms. Amala

...Petitioners Plaintiffs

-Vs.-

- 1.Mr. Jayaraman
2. Mr. Selvakumar,

... Respondents/Defendants

This Petition coming before this court on 29.8.2024 for final hearing in the presence of Thiru. A. Kumar, Counsel for the petitioners/plaintiffs and Thiru.B.Ramnath, Counsel for the Respondents/ Defendants and upon hearing the arguments of both sides and perusing the material records and having stood over for consideration till this day, this Court delivered the following:-

ORDER

This Petition filed by the Petitioners under Order VII Rule 14 (3) and Sec.151 of CPC to receive the document detailed in the petition.

2. The petition averments in brief as follows:-

The petitioner is the 3rd plaintiff in the suit and has filed the petition on behalf of the other Petitioners also. They have filed the above suit for partition and the document detailed in the petition viz., certified copy of

partition deed between Andipillai and Elumalai Pillai was obtained recently from the Sub Registrar Joint II, Saidapet, Chennai, and thereby it could not be filed earlier. Hence there is a delay in filing the same. Unless the delay is condoned the petitioners will be put to loss and hardship. Hence the petition.

3. Brief of Counter averments filed by 1st respondent and adopted by 2nd respondent:-

The suit is not at all maintainable either in law or on facts. The petitioners have nowhere stated in their affidavit regarding the original document and the whereabouts of the original document. The petitioners are trying to drag on the proceedings and the same cannot be allowed. In such circumstances, the petition is liable to be dismissed.

4. The points for Consideration :

1. Whether the petition is to be allowed or not?

5. Points:-

The contention of the petitioners is that they obtained certified copy of partition deed between Andipillai and Elumalai Pillai only recently from the Sub Registrar Joint II, Saidapet, Chennai, and hence the same could not be filed at the earliest point of time and prays to condone the delay in filing the said document.

6. On the other hand, the respondents contended that the petitioners have nowhere stated in their affidavit regarding whereabouts of the original document and the petition has been filed only to drag on the proceedings.

7. The suit is of the year 2015 and has been filed for the relief of declaration and preliminary decree of partition. It is stated in the petition-affidavit that the document filed along with the petition was omitted to be

filed in the earliest point of time for the reason that petitioners have obtained the said document only now and therefore there is a delay in filing the document. The document sought to be marked by the petitioners is the certified copy of partition deed between Andipillai and Elumalai Pillai. Though the respondents objected to receive the document, this court finds that the respondents have every opportunity to cross-examine the petitioners with regard to the said document and further considering the nature of dispute involved in the suit, in order to arrive at a just decision of the case and to avoid multiplicity of proceedings, and also in the interest of justice, this court is inclined to allow the petition.

Finally, this petition is allowed. The petition mentioned document is ordered to receive subject to proof and relevancy. No cost.

Dictated to the Shorthand writer and directly typed by her and corrected and pronounced by me in open Court, this the **9th day of September 2024.**

sd/-K.Kayathri

Additional District & Sessions Judge
Chengalpattu.

Both sides Exhibits and witnesses: Nil

sd/-K.Kayathri

Additional District & Sessions Judge
Chengalpattu.

Draft/Fair Order
I. A.No. 2/2023 in
O.S.No. 4/2015
Dt:9.9.2024
ADJ/CPT

**I. A.No. 2/2023 in
O.S.No. 4/2015
Dated: 9.9.2024**

Order Passed

**Finally, this petition is
allowed. The petition
mentioned document is
ordered to receive subject
to proof and relevancy.
No cost.**

ADJ/CPT