

IN THE COURT OF THE DISTRICT MUNSIF AT MADURANTAKAM

PRESENT: Tmt. V.Devapriya, B.Sc., M.L.,
District Munsif, Madurantakam

Friday, the 23rd day of February, 2024

I.A.No.8/2023

in

O.S.No. 16/2018

1.Pepsico India Holdings Pvt. Ltd.,
2. Varun Beverage Limited

...Petitioners/Plaintiffs

-vs-

T. Philip

...Respondent/Defendant

This petition coming up before me on 08.02.2024 for final hearing in the presence of, Thiruvalargal. R.S. Renganathan and S. Vinoth, counsels for the Petitioners/Plaintiffs and Thiru. P.S. George, counsel for Respondent/Defendant and after hearing the arguments on both sides and upon perusing the materials placed on record, and having stood over for consideration till this day, this court delivers the following,

ORDER

This petition has been filed by the Petitioners/Plaintiffs under Order VII Rule 14 (3) of the Code of Civil Procedure, read with Section 151 of Code of Civil Procedure, to receive the petition mentioned documents in the above suit.

2.The averments stated in the petition in brief

The 1st Petitioner/1st Plaintiff had filed the above suit for the relief of mandatory injunction and for permanent injunction. Later the 1st Petitioner/1st Plaintiff's company had sold the suit property to the 2nd Petitioner/2nd Plaintiff under registered sale deed dated 02.05.2019 bearing document No. 5152/2019 of Sub Registrar Office Joint-II, Chengalpattu. Hence the 2nd Petitioner/2nd Plaintiff was added as party to the above suit.

3. The 2nd Petitioner/2nd Plaintiff had filed petition in I.A.No.6/2023 for appointment of advocate commissioner to measure the suit 'A' and 'B' schedule properties along with the property of Respondent/Defendant in S.No. 586/2A of Mamandur Village through and by Deputy Inspector of Survey, Maduranthakam.

4. The petition mentioned documents are all related to the suit property and evidence for showing the right and possession of the 2nd Petitioner/2nd Plaintiff over the suit property as well as revenue records downloaded from online. The petition mentioned documents Nos. 1 to 3 are obtained from Sub Registrar Office, Joint No.II at Chengalpattu, only on 14.10.2023 and further the documents No.4 to 8 are all downloaded from the online only on 03.12.2023. Therefore, the documents could not be filed along with plaint. The petition mentioned documents are

stated in the pleadings and they are vital to prove the case of the Petitioners /Plaintiffs. Hence the petition.

5. The averments stated in the counter filed by the Respondent/ Defendant in brief:

This petition is not maintainable in law and on facts. All the allegations contained in the affidavit are false. The 1st Petitioner/1st Plaintiff already filed the documents along with the plaint and at the time of impleading the 2nd Petitioner/2nd Plaintiff, he also filed his documents, namely, sale deed, etc. The documents stated in the petition are self-serving documents and these documents are no way connected with the appointment of an Advocate Commissioner to measure the suit property with the help of Taluk Head Surveyor, Madurantakam. There is no merits in this petition. Hence this petition is liable to be dismissed with costs.

6. The point for determination is whether this petition is to be allowed or not?

7. No Exhibits marked and no witnesses were examined on both sides

8. Heard both sides and perused the records.

9. The Petitioners/Plaintiffs had filed this petition to receive the petition mentioned documents. The Respondent/Defendant had resisted the petition stating that, the documents are not related for measuring the suit properties. The Petitioners

/Plaintiffs had filed certified copies and online copies of the documents. This petition is filed merely to receive the documents and the objections raised by the Respondents/Defendants can be decided only after trial. Hence in the interest of justice, this court is inclined to allow this petition.

10. In the result, this petition is allowed. No costs.

Dictated to the Stenographer, typed by him and corrected and pronounced by me in open court on this the 23rd day of February, 2024.

Sd/-V. Devapriya
23.02.2024
District Munsif
Madurantakam

Petitioners side witnesses and documents:

Nil

Respondent side witnesses and documents:

Nil

Sd/-V. Devapriya
23.02.2024
District Munsif
Madurantakam