

IN THE COURT OF THE DISTRICT MUNSIF AT MADURANTAKAM

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

Tuesday, the 3rd day of October, 2023

I.A.No. 8/2023
in
I.A.No.4/2023
in
O.S.No. 22/2023

1. P.Balasubramanian
2. P.Arumugam
3. R.Suresh
4. S.Geetha
5. R.Babu
6. V. Elumalai
7. S.Kannan
8. S.Murugan

...Petitioners/Petitioners/
Plaintiffs

-vs-

1. The Block Development Officer,
Acharapakkam Panchayat Union
2. The Head Master, Panchayat Union, Middle School
Theettalam Village, Madurantakam Taluk
3. The Assistant Educational Officer,
Assistant Educational office, Acharapakkam Panchayat Union
4. The District Educational Officer, Elementary Education,
Chengalpattu Town and Taluk
5. The Thasildar, Taluk Office,
Madurantakam Town and Taluk
6. The District Collector, District Collector Office,
Chengalpattu Town and Taluk

...Respondents/Respondents/
Defendants

This petition coming up before me on 14.09.2023 for final hearing in the presence of, Thiru.V.Selvakumar, counsel for the Petitioners/ Petitioners/ Plaintiffs and Thiru.V.Ranganathan, Pleader doing Government work, for Respondents/ Respondents/ Defendants 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/Petitioners/Plaintiffs under Order VII Rule 14 (3) read with Section 151 of Code of Civil Procedure, to receive the petition mentioned documents in the above I.A.No.4/2023.

2.The averments stated in the petition in brief:

The petition mentioned documents are very vital to prove the case of Petitioners/ Petitioners/Plaintiffs and those documents are recently obtained from the Sub-Registrar Office at Uthiramerur. Hence the said documents could not be filed at the time of filing of the suit. Hence this petition.

3. The averments stated in the Counter filed by the 1st Respondent/ 1st Respondent/ 1st Defendant and adopted by Respondents 2 to 6/ Respondents 2 to 6 /Defendants 2 to 6, in brief:

This petition is not maintainable under law and on facts. The Petitioners/ Petitioners/ Plaintiffs had not filed the suit based on the petition mentioned

documents and there is no pleadings in respect of the alleged documents. Therefore the documents without pleading cannot be received. The extent of the suit 'E' schedule property does not tally with the encumbrance certificates. There is no merits in this petition and hence this petition is liable to be dismissed with costs.

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

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

6. Heard both sides and perused the records.

7. The Petitioners/Petitioners/Plaintiffs had filed this petition to receive the petition mentioned documents. The Respondents/Respondents/Defendants had resisted the petition stating that, there is no pleadings in respect of the petition mentioned documents and the extent of the suit 'E' schedule property does not tally with the encumbrance certificates.

8. The Petitioners/ Petitioners/ Plaintiffs had filed this petition merely to receive the documents. The Petitioners/ Petitioners/ Plaintiffs had filed the original documents and the burden of proving the same lies on the Petitioners/ Petitioners/ Plaintiffs. Hence the objection raised by the Respondents/Respondents/Defendants, in respect of the merits of the document, could not be decided in this petition. Therefore in the interest of justice, this court is inclined to allow this petition on costs.

9. In the result, this petition is allowed on costs of Rs. 300/- to be paid by the Petitioners/ Petitioners/ Plaintiffs to the District Legal Services Authority, Chengalpattu, on or before 10.10.2023, failing which, this petition will be dismissed automatically. Call on 10.10.2023.

Typed by me in my laptop, corrected and pronounced by me in open court on this the 3rd day of October, 2023

District Munsif
Madurantakam

Petitioners side witnesses and documents:

Nil

Respondents side witnesses and documents:

Nil

District Munsif
Madurantakam