

IN THE COURT OF THE DISTRICT MUNSIF AT MADURANTAKAM

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

Tuesday, the 23rd day of April, 2024

I.A.No.12/2024

in

I.A.No.4/2022

in

O.S.No.35/2022

K.Nandagopal

...Petitioner/Petitioner/Proposed 4th Defendant

-vs-

1. Santhanakumar

... Respondent/Respondent/Plaintiff

2. The Tahsildhar,
Madurantakam.

3. The Revenue Divisional Officer,
Madurantakam.

4. The District Collector,
Chengalpattu

...Respondents/Respondents/Defendants 1 to 3

This petition coming up before me on 25.03.2024 for final hearing in the presence of, Thiruvallargal. U.Vasudevan, T.Balu, S.Jeyakumar and B.Janani counsels for Petitioner/Petitioner/Proposed 4th Defendant and Thiru. S.Subramanian, P.Praveenkumar and A.Abdul Ayath, counsels for 1st Respondent/1st Respondent/Plaintiff and Respondents 2 to 4 /Respondents 2 to

4/Defendants 1 to 3 having been set exparte in the main suit 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 Petitioner/Petitioner/Proposed 4th Defendant under Order VIII Rule 1-A (3) and section 151 of Code of Civil Procedure, to receive the petition mentioned documents.

2.The averments stated in the petition in brief

The Petitioner/Petitioner/Proposed 4th Defendant had filed the above I.A.No. 4/2022 to implead him as the 4th Defendant in the above suit. The petition mentioned documents are necessary to prove his case. The Petitioner /Petitioner/Proposed 4th Defendant side enquiry was also partly completed. While marking the documents, it was noticed that the SLR and the correlation Report were filed without covering letter issued by RTI Officer. The said covering letters are absolutely necessary. If they are not received, the documents in S.No.1 and S.No.2 cannot be marked as Exhibits. The above said documents are clinching evidence to prove that the suit property is only Oor Maniyam. Hence the petition.

3. The averments stated in the objections filed by the 1st Respondent/1st

Respondent/Plaintiff, in brief:

This petition is not maintainable in law and on facts. The 1st Respondent/1st Respondent/Plaintiff filed a suit in respect of Nanjai S.No.31/1 -1 acre 30 cents. The doc No.1 and 2 are not related to the suit property and no way connected with the present suit. The 1st document in respect of S.No.6/7,39/9,10/1,14/4,alone and not in respect of suit property and this document were obtained by one Vijayalakshmi and not the Petitioner/Petitioner/Proposed 4th Defendant. The 2nd document survey number and village are different from the suit survey number and suit village. Hence those documents are not necessary. This petition is filed only to drag on the proceedings. There is no merits in this petition. 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 were marked and no witnesses were examined on both sides.

6. Heard both sides and perused the records.

7. The Petitioner/Petitioner/Proposed 4th Defendant had filed this petition to receive the petition mentioned documents. The 1st Respondent/1st Respondent/Plaintiff resisted the petition stating that the documents are not related to suit property and

that it was received by one Vijayalakshmi. The Petitioner/Petitioner/Proposed 4th Defendant had filed this petition merely to receive the documents. The Petitioner//Petitioner/Proposed 4th Defendant had filed the originals. The merits of the documents cannot be decided at the time of receiving the documents and can be decided only after trial. The 1st Respondent/1st Respondent/Plaintiff has every opportunity to make his objections at the time of trial. Hence in the interest of justice, this court is inclined to allow this petition.

8. 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 April, 2024

Sd/-V.Devapriya
23.04.2024
District Munsif
Madurantakam

Petitioner side witnesses and documents:

Nil

Respondents side witnesses and documents:

Nil

Sd/-V.Devapriya
23.04.2024
District Munsif
Madurantakam