

IN THE COURT OF THE DISTRICT MUNSIF AT MADURANTAKAM

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

Thursday, the 2nd day of March, 2023

I.A. No. 7/2023

in

O.S.No. 232/2012

1. Chinnakka (died)
2. Parameswaran (died)
3. Dhanalakshmi

... Petitioners/Defendants 7 to 9

-vs-

1. Mayavan

...Respondent/Plaintiff

2. Raman
3. Vijaya
4. Palani
5. Palaniammal
6. Lakshmi
7. Raja

...Respondents/ Defendants 1 to 6.

This petition coming up before me on 15.02.2023 for final hearing in the presence of, Thiru.V.Agoram, counsel for the Petitioners/ Defendants 7 to 9 and Thiru.S.Subramanian, counsel for Respondent/Plaintiff and Respondents 2 to 7/Defendants 1 to 6 having been called absent in the main suit and after hearing the arguments of 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/Defendants 7 to 9 under order VIII Rule 1-A (3) of Code of Civil Procedure, to grant leave to petitioner to file the petition mentioned documents in the above suit.

2.The averments stated in the petition in brief:

The above case is posted for Defendants' side marking of documents. The petition mentioned documents are very vital to prove the case of the Petitioners/ Defendants 7 to 9 . The documents are mixed up with other old records. Hence they could not be filed at the earlier stage. Hence this petition.

3.The averments stated in the Counter filed by the Respondent/Plaintiff in brief:

This petition is not maintainable under law and on facts. The wrong patta was issued in the name of Chinnakka and taking advantage of the same, the Petitioners/Defendants making false claim and further the documents No. 4 and 5 are no way connected with the case. There is no merits in this petition and this petition is filed only to drag on the proceedings. Hence this petition is liable to be dismissed with cost.

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/Defendants 7 to 9 had filed this petition to receive the petition mentioned documents. The Respondent/Plaintiff had resisted the petition stating that, the documents No. 4 and 5 are not connected with the case. The Petitioners/Defendants 7 to 9 had filed the original documents and online documents. This petition is filed merely to receive the documents and objection raised by the Respondent/Plaintiff can be

decided after 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 and transcribed by her and corrected and pronounced by me in open court on this the 2nd day of March, 2023

District Munsif
Madurantakam

Petitioner side witnesses and documents:

Nil

Respondent side witnesses and documents:

Nil

District Munsif
Madurantakam