

IN THE COURT OF THE DISTRICT MUNSIF AT MADURANTAKAM

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

Tuesday, the 25th day of March, 2025

I.A.No.3/2024

in

I.A.No.2/2023

in

O.S.No.65/2023

1. Vijaya

2. Palanisamy

...Petitioners/Defendants

-Vs-

Maniyammal Sagunthala

...Respondent/Plaintiff

This petition coming up before me on 10.03.2025 for final hearing in the presence of, Thiru.S.Senthilkumaran, counsel for Petitioner, and Thiru.V.Mohan, counsel for Respondent/Plaintiff 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/Defendants under Order VIII Rule 1A (3) of Code of Civil Procedure, to receive the petition mentioned documents.

2.The averments stated in the petition, in brief :

The Respondent/Plaintiff had filed the above suit for permanent injunction as

against the Petitioners/Defendants. The adjacent house site owner of the suit property, which is situated at Eastern side of the suit property. The Petitioners/Defendants have owned the house site to an extent of 1155 sq.ft. is comprised in Old S.No.1/34 situated at Kadaperi, Madurantakam Taluk and Town, Chengalpattu District. The Petitioners/Defendants had purchased the above suit property from Kalrayan, Manogar, Sekar and Sumathi through registered sale deed dated 27.08.1998 for valid sale consideration bearing doc.no.1367/1998 before SRO, Madurantakam. After purchase the Petitioners/Defendants had possession and enjoyment of the same.

3. On the same date his family friend Kasthuri purchased the house site from same vendor through registered sale deed dated 27.08.1998 for valid sale consideration bearing doc.no.1368/1998 before SRO Madurantakam, which is situated at southern side of his property. After purchased by them, they have been in possession and enjoyment of the same. The Town SLR also stands in the name of Kasthuri under TSLR no.22 to an extent of 166 sq.mt. after proper enquiry and measurement. During the month of March 2023, they had measured the property with the help of retired surveyor. At that time of measurement surveyor found out that the Respondent/Plaintiff unlawfully put up compound wall on the north east side of his property approx of 2 x 14.

4. The Respondent/Plaintiff also realized the encroachment and also assured to remove the unlawful construction of compound wall either by himself or by mediator

Nagoor Meeran but Respondent/Plaintiff requested him and mediator Nagoor Meeran to measure the suit property through proper channel. At the request of Respondent/Plaintiff, they had paid necessary fees to the Revenue Department on 19.05.2023 to measure the suit property.

5. On 16.06.2023, the Petitioners/Defendants had measured property officially with help of Town surveyor and he also found out the earlier encroachment of Respondent and confirm the same. The Respondent/Plaintiff had filed application in I.A.No.2/2023 and the same was posted for enquiry. The petition mentioned documents are necessary to prove the case of the Petitioners/Defendants. The documents are omitted to be marked on the side of Defendant as exhibits. Hence this petition.

6.The averments stated in the counter filed by the Respondent/Plaintiff, in brief:

This petition is not maintainable in law and on facts. The averments stated in the affidavit are false. There is no any dispute in the boundaries or the extent in the suit property. The property which was mentioned in the petition is different from the suit property and the Petitioners/Defendants have not filed any document and no dispute arise between the Petitioners/Defendants and the Respondent/Plaintiff for the encroachment, so it is not necessary to appoint the advocate commissioner to measure the suit property. But now they created a false story and allegations against the Respondent/Plaintiff is only to grab the property from the Respondent/Plaintiff. The Petitioners/Defendants have to file the separate suit for encroachment for her

property. Hence, this petition is liable to be dismissed with costs.

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

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

9. Heard both sides and perused the records.

10. The Petitioners/Defendants had filed this petition to receive the petition mentioned documents. The Respondents/Plaintiffs resisted the petition stating that the documents are not related to the suit. The Petitioners/ Defendants had filed the original and online copy of the documents. This petition is filed merely to receive the documents. The objections raised by the Respondent/ Plaintiff cannot be decided at this stage. Hence, in the interest of justice and to avoid multiplicity of proceedings, this court is inclined to allow this petition.

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

Dictated to the Stenographer, typed by her and corrected and pronounced by me in open court on this the 25th day of March, 2025

District Munsif
Madurantakam

Petitioners side witnesses and documents:

Nil

Respondents side witnesses and documents:

Nil

District Munsif
Madurantakam