

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. 11/2022

in

O.S.No. 202/2012

Anand represented by his power agent
Kasthuri

... Petitioner/Plaintiff

-vs-

1. Lakshmipathi
2. Boologa Reddiar
3. Kumarasamy
4. Ashokram
5. Mahendran
6. Kuppusamy
7. Rajendiran
8. The Sub-Registrar, Acharappakkam
9. Anusuya
10. Sasikala
11. Lakshmibai
12. Venkatesan
13. Sriram
14. Revathy

...Respondents/ Defendants

This petition coming up before me on 24.02.2023 for final hearing in the presence of, Thiru.V.Agoram, counsel for the Petitioner/Plaintiff and Thiru.S.Subramanian, counsel for Respondents 1,11,12, and 14/ Defendants 1,11,12 and 14 and Respondents 2,4 to 10 and 13 having been exparte in the main suit and 3rd Respondent/ 3rd Defendant having been called absent and set exparte on 24.01.2023 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 Petitioner/Plaintiff under order VII Rule 14 (3) of Code of Civil Procedure, to grant leave to petitioner to file the petition mentioned documents in the above case on the side of the Petitioner/Plaintiff.

2.The averments stated in the petition in brief:

The above case is posted for Plaintiff side marking of documents. The documents are all already marked in A.S.No.3/2016 on the file of the Hon'ble Sub-Court, Madurantakam. Hence the certified copies of the same are filed. The petition mentioned documents are very vital to prove the case of the Petitioner/ Plaintiff. The certified copy of documents are recently obtained by her. Hence she could not file the documents at 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 Petitioner/ Plaintiff are not stated anything about the original and she had filed certified copies in A.S.No.3/ 2016. The Certified copies can be obtained from the original documents. Hence the certified copies obtained from certified copies cannot be marked as Exhibits. 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 Petitioner/Plaintiff had filed this petition to receive the petition mentioned documents. The Respondents/Defendants had resisted the petition stating that, the documents are certified copies obtained from certified copies. This court perused the documents filed in the A.S.No.3/2016 before the Hon'ble Sub-Court, Madurantakam. In the said case, the Petitioner/Plaintiff had filed the original documents and after obtaining the certified copies of those original documents, the same was filed along with this petition to receive the said documents in the above suit. Therefore the contention of the Respondents/Defendants that the Petitioner/Plaintiff had obtained certified copies of documents from the certified copies, is not sustainable. Hence, for the foregoing reasons and 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