

IN THE COURT OF THE DISTRICT MUNSIF AT MADURANTAKAM

PRESENT: Tmt. V.Devapriya, B.Sc.,M.L.,
District Munsif, Madurantakam
Saturday, the 2nd day of December, 2023
I.A.No.12/2023 and I.A.No.13/2023
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. Lakshmi bai
12. Venkatesan
13. Sriram
14. Revathy

Respondents/Defendants

This petition coming up before me on 22.11.2023 for final hearing in the presence of, Thiru. V. Agoram, Counsel for Petitioner/Plaintiff and Thiru S. Subramanian, Counsel for 1st Respondent/1st Defendant, Respondents 2,4 to 10 and 13/Defendants 2,4 to 10 and 13 having been already set exparte in the main suit and 3rd Respondent/3rd Defendant having been called absent and set exparte on 12.07.2023 and Respondents 11,12 and 14/Defendants 11,12 and 14 having been set exparte on 31.10.2023 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,

COMMON ORDER

I.A.No.12/2023

This petition has been filed by the Petitioner/Plaintiff under Order VII Rule 14 (3) of Code of Civil Procedure, to receive the petition mentioned documents in the above suit.

I.A.No.13/2023

This petition has been filed by the Petitioner/Plaintiff under section 151 of Code of Civil Procedure, to re-open the Chief evidence of the PW1 to mark the documents in the above suit.

2.The averments stated in the petition in brief

The above case is posted for cross examination of PW1. The petition mentioned document was mixed up with other old records in the house of the Petitioner/Plaintiff. The petition mentioned document is necessary to prove the illegal documents created by the Respondents/Defendants and it is vital to prove the case of the Petitioner/Plaintiff. Hence these petitions.

3. The averments stated in the objection filed by the 1stRespondent/1st Defendant, in brief:

These petitions are not maintainable under law and on facts. The allegations in the petition are false. This Court had granted sufficient opportunities to the Petitioner/Plaintiff. But these petitions are filed only to drag the proceedings. There is no merits in these petitions. Hence these petitions are 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 these petitions on the ground that one document has to be received in evidence. The 1st Respondent/1st Defendant had resisted the

petitions stating that these petitions are filed to drag on the proceedings. The above case is in the stage of cross examination of PW1 and the same has not been commenced yet. The 1st Respondent/1st Defendant had not stated any fact with regard to the prejudice being caused to him. Hence in the interest of justice and for complete adjudication and to avoid multiplicity of proceedings, this court is inclined to allow this petition on costs.

8. In the result, these petitions are allowed on costs of Rs.300/- to be paid by the Petitioner/Plaintiff to the 1st Respondent/1st Defendant on or before 11.12.2023, failing which these petitions will be automatically dismissed. Call on 11.12.2023.

Dictated to the Stenographer and typed by him and corrected and pronounced by me in open court on this the 2nd day of December, 2023.

District Munsif
Madurantakam

Petitioner side witnesses and documents:

Nil

Respondents side witnesses and documents:

Nil

District Munsif
Madurantakam

