

IN THE COURT OF THE DISTRICT MUNSIF AT MADURANTAKAM

PRESENT: Tmt. V.Devapriya, B.Sc., M.L.,
District Munsif, Madurantakam
Friday, the 7th day of February, 2025

I.A.No.12/2024

in

O.S.No.117/2021

1. Dhanusu Ammal (Died)
2. Nagaraj
3. Murugan
4. Madhavan
5. Sundari
6. Udhayakumar
7. Menaka

...Petitioners/Plaintiffs

-Vs-

1. Chandra
2. Kalyani

...Respondents/Defendants

This petition coming up before me on 28.01.2025 for final hearing in the presence of, Thiru.B.Rajesh, counsel for Petitioners/Plaintiffs, and Thiru.V.Agoram, counsel for Respondents/Defendants 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/Plaintiffs under Order VII Rule 14 (3) of Code of Civil Procedure, to receive the petition mentioned documents.

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

The Petitioners/Plaintiffs had filed the above suit for permanent injunction.

The petition mentioned documents were misplaced at the time of filing of the above suit. After diligent search, the same was successfully traced out by them. The Petitioners/Plaintiffs could not file the same along with the plaint. The petition mentioned documents are necessary to prove the case of the Petitioners/Plaintiffs. Hence this petition.

3. The averments stated in the counter filed by the 1st Respondent/1st Defendant, adopted by the 2nd Respondent/2nd Defendant, in brief:

This petition is not maintainable in law and on facts. The averments stated in the affidavit are false. The documents cannot be received in to file. The petition mentioned documents are not related to the suit property. The petition is only to drag on the proceedings. The petition is not at all maintainable in law. 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 marked and no witnesses were examined on both sides.

6. Heard both sides and perused the records.

7. The Petitioners/Plaintiffs had filed this petition to receive the petition mentioned documents. The Respondents/Defendants resisted the petition stating that the documents are not related to the suit property. The Petitioners/Plaintiffs had filed the originals of the documents. This petition is filed merely to receive the documents. The merits of the documents 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 on costs.

8. In the result, this petition is allowed on costs of Rs.500/- to be paid by the Petitioners/Plaintiffs to the Respondents/Defendants on or before 14.02.2025, failing which, this petition will be automatically dismissed. Call on 14.02.2025.

Dictated to the Stenographer, typed by her and corrected and pronounced by me in open court on this the 7th day of February, 2025.

District Munsif
Madurantakam.

Petitioners side witnesses and documents:

Nil

Respondents side witnesses and documents:

Nil

District Munsif
Madurantakam.