

**IN THE COURT OF DISTRICT MUNSIF AT MADURANTAKAM**

**PRESENT:** Tmt.R.Mahalakshmi., B.A., B.L.,  
District Munsif, Madurantakam  
**Tuesday, the 3<sup>rd</sup> day of March, 2026**

**I.A.No.12/2025**

**in**

**O.S.No.194/2015**

1. Raja
2. Muniyammal
3. Logammal
4. Veeramuthu
5. Aboorvammal
6. Kuppammal

... Petitioners/Plaintiffs

/ Vs /

1. Radha
2. Krishnan
3. R.Ajeethkumar
4. R.Vasanthkumar

... Respondents/Defendants

This petition is presented before me for final hearing in the presence of Tr.V.Agoram, counsel for Petitioners and Tr.S.Senthilkumaran, counsel for 1<sup>st</sup>, 3<sup>rd</sup> and 4<sup>th</sup> respondents and 2<sup>nd</sup> Respondent having been called absent and remained exparte in the main suit and upon perusal of records and having stood over for consideration till this day, this court delivered the following,

**ORDER**

This petition is filed by the petitioner/plaintiff under Section 63 and 65 of Indian Evidence Act 1972 and Section 151 of Code of Civil Procedure, to reopen the case and mark the copy of agreement i.e., plaint doc.no.6 on the side of the plaintiff.

**2. Brief of petition facts as follows:-**

**(i)** The Petitioner herein is the 1<sup>st</sup> plaintiff in the suit and he files this petition for himself and on behalf of other petitioners. The petitioner states that the suit is filed by the petitioners/plaintiffs for the relief of permanent and mandatory injunction. The petitioner further states that they have also filed doc.no.6 along with the copy of agreement executed by him, Marimuthi and Chandran infavour of 1<sup>st</sup> defendant on

02.09.2010. Further the petitioner states that the original agreement is with the 1<sup>st</sup> defendant and also served memo to the 1<sup>st</sup> defendant and the 1<sup>st</sup> defendant not produced the original agreement. Hence the document is necessary to prove his case. If the petition is not allowed the petitioner will be put to great loss and hardship. On the other hand no prejudice will be caused to the Respondents. Hence this petition.

**3. Counter filed by 1<sup>st</sup> respondent/1<sup>st</sup> defendant and adopted by 3<sup>rd</sup> and 4<sup>th</sup> respondents/3<sup>rd</sup> and 4<sup>th</sup> defendants, in brief:-**

**(i)** This petition is not maintainable in law and on facts. The Respondent denies the entire allegations in the affidavit petition as false except those that are specifically admitted herein. The averments in the affidavit are false.

**(ii)** The respondent states that the case was posted for arguments and the petitioner wantonly to drag on the case proceedings filed present application to reopen and to mark the plaint doc.no.6. The respondent further states that the petitioner gave memo to the 1<sup>st</sup> respondent to produce the document and the 1<sup>st</sup> respondent filed their objection thereafter the suit is posted for argument on 01.11.2025 and hence the petition is not maintainable.

**(iii)** The Respondent further states that they never entered into an sale agreement with the petitioner and even in written statement the respondents 1,3 and 4 clearly denied the sale agreement with regard to the suit property. Further the respondent states that the respondents 1, 3 and 4 were examined as DW1 to DW3 wherein during cross examination they never admitted the petition mentioned sale agreement.

**(iv)** The respondent further states that the 1<sup>st</sup> and 2<sup>nd</sup> respondents entered into sale agreement with the petitioners/plaintiffs on 02.09.2010 and on the same day he has permitted to put up hut in the schedule mentioned property. But the averments in the advocate notice i.e., Ex A6, contrary to the plaint averments. This petition is filed by the petitioner to drag on the case proceedings. There is no merits in this petition and hence the petition is liable to be dismissed.

**4. The point for consideration in this petition is whether the petition is liable to be allowed or not ?**

5. No exhibits were marked and no witnesses were examined on both sides.

6. Heard both sides. Records perused.

7. On perusal of records it is seen that the suit is filed by the plaintiff for the relief of permanent injunction, mandatory injunction and to declare the settlement deed dated 08.05.2015 as null and void. The petitioner alleged that 1<sup>st</sup> defendant Radha entered into an sale agreement with 1<sup>st</sup> petitioner and his brother Mari and Chandran to purchase the suit property, but it is alleged that the 1<sup>st</sup> defendant not acted upon the said agreement and hence the said agreement has been lapsed. Further the petitioner alleged that the original agreement is with the 1<sup>st</sup> defendant and hence it is necessary to mark the xerox copy of the sale agreement to prove their case.

8. Though Section 63 and 65 of Indian Evidence Act enumerates the circumstances under which secondary evidence is admissible in certain cases, in the present case the main relief sought by the petitioner is permanent and mandatory injunction which is filed in the year 2015. Further the plaintiff himself admitted that the sale agreement is not acted upon and even the defendants also denied the execution of the sale agreement. Therefore in a suit for permanent injunction, the primary issue to be decided is possession on the date of the suit, in the present case the document sought to be marked i.e., copy of agreement does not admittedly transfer title. Therefore considering the facts and circumstances of the case and further as the suit is in the stage of plaintiff side arguments this court, considers that present petition was filed only to prolong the case. Therefore this court holds that this petition is unwarranted and devoid of merits and liable to be dismissed.

**10. In the result, this petition is dismissed. No costs.**

Dictated to the Stenographer, typed by her and corrected and pronounced by me in open court on this the 3<sup>rd</sup> day of March, 2026

Sd/-R.Mahalakshmi  
District Munsif  
Madurantakam

List of witness and documents on both side :- - NIL -

Sd/-R.Mahalakshmi  
District Munsif  
Madurantakam