

IN THE COURT OF THE DISTRICT MUNSIF AT MADURANTAKAM

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

Saturday, the 6th day of April, 2024

I.A.No.7/2024

in

O.S.No. 194/2015

1. Vasanthakumar
2. Ajeethkumar
3. Radha

...Petitioners/Defendants 1,3 and 4

-vs-

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

...Respondents/Plaintiffs

7. Krishnan

...Respondent/2nd Defendant

This petition coming up before me on 19.03.2024 for final hearing in the presence of, Thiruvallargal. S.Senthilkumaran and V.Mohanraj, counsels for Petitioners/Defendants 1,3 and 4 and Thiru.V.Agoram counsel for the Respondents 1 to 6/Plaintiffs and 7th Respondent/2nd Defendant having been set exparte in the main suit 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, 1,3 and 4 under Order VIII Rule 1-A (3) of Code of Civil Procedure, to receive the petition mentioned documents.

2.The averments stated in the petition in brief

The Respondents 1 to 6 /Plaintiffs had filed the above suit for permanent injunction and for mandatory injunction to remove the hut in the suit property. The Petitioners 1 and 2/Defendants 1 and 3 had filed a suit in O.S.No.247/2015 against the Respondents 1 to 6/Plaintiffs seeking relief of permanent injunction. The 1st Petitioner/1st Defendant was examined as DW3 in the above suit. At that time, the Petitioners/Defendants 1,3 and 4 had filed a petition Order 8 rule 1-A (3), along with documents. The documents No.1 to 6 were original and documents No.7 to 10 were certified copies and the same was filed on 23.02.2023 in SR.No.711/2023. But the said petition, along with documents was misplaced in the court and unable to find it, after several efforts made. Thereafter this court passed orders for reconstruction. Hence the Petitioners/Defendants 1,3 and 4 are filing the

present petition to receive the Xerox copies of documents and certified copies of documents which were already produced in the previous lost application in SR.No.711/2023. The documents no.1 to 6 filed along with previous lost petition, are original documents, like Original Property Tax Receipt, Water connection receipt, EB card, EB consumption receipt, Notice issued by the Madurantakam Municipality to Radha, regarding Water Tax assessment and notice issued by the Madurantakam Municipality to Radha, regarding property Tax assessment and the same cannot be reconstructed as original. Hence the Xerox copies of said documents 1 to 6 are filed along with this petition and the certified copies of other documents and the originals of recently obtained documents are filed herewith. Hence the petition.

3. The averments stated in the counter filed by the 1stRespondent/1st Plaintiff and adopted by the Respondents 2 to 6/Plaintiffs 2 to 6, in brief:

This petition is not maintainable in law and on facts. The averments in the affidavit, filed along with this petition, are false. The document No.1 and 2 are not related to the suit property. There is no electricity service connection to suit property. Therefore, the documents No.3 and 4 are not related to the suit property. There is no pleadings in the written statement with regard to the petition mentioned

documents. The document No.5 and 6 are created by the Petitioner and no way connected with the suit property. The 1st Petitioner/1st Defendant has no right over the suit property. Originally the suit property was owned and possessed by the Plaintiff's grandfather Narayanan having purchased the same on 16.11.1927 and 02.04.1945 by way of registered sale deeds. With the influence of the Revenue officials and without any right, the online Town SLR was issued in the name of 1st Petitioner/1st Defendant. The said document does not bind the Respondents 1 to 6/Plaintiffs. The document No.8 is not related to the suit. The documents No.9 to 14 are all after the suit. Hence, the petition mentioned documents cannot be received and cannot be marked. There is no reasons stated in the affidavit to file the document at this stage. This petition is not maintainable in law. The averments with regard to the earlier application in S.R.No.711/2023 are also not maintainable in law and there is no proper reasons stated in the affidavit. There is absolutely no merits in the present 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 were marked and no witnesses were examined on both sides.
6. Heard both sides and perused the records.

7. The Petitioners/Defendants 1,3 and 4 had filed this petition to receive the petition mentioned documents. The Respondents/Plaintiffs resisted the petition stating that the document are not related to suit property and that certain documents are obtained after suit.

8. The Petitioners/Defendants 1,3 and 4 had stated that they had filed the originals of petition mentioned documents No.1 to 6 along with the petition that was filed earlier and that the same has been misplaced in court. Perusal of records show that the earlier petition has been returned for rectification of certain defects and necessary entries has been made in the registers. However, the petition that was kept in the return, was not found sometime later and it could not be found even after deligent search. Hence, memo has been issued to the Bench Clerk and reconstruction was ordered.

9. The learned counsel for the Respondents 1 to 6/Plaintiffs had submitted during arguments that he had also seen the original of documents Nos. 1 to 6 along with the previous petition. However, the learned counsel for the Respondents 1 to 6/Plaintiffs had submitted that the Petitioners/Defendants 1,3 and 4 had not taken any steps to call for the same from the revenue authorities. But, the Petitioners/Defendants 1,3 and 4 had filed the property tax receipt, water tax receipt

and the EB card that has been obtained recently. Besides that, the objections with regard to Documents No.1 to 6 and the other documents, is that those are not related to suit property. The said objections can be decided only after trial. This petition is filed to merely to receive the documents and the said objections can be made at that time of marking of documents. Hence for the foregoing reasons, this court is inclined to allow this petition.

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

Dictated to the Stenographer typed by him and corrected and pronounced by me in open court on this the 6th day of April, 2024

Sd/-V. Devapriya
06.04.2024
District Munsif
Madurantakam

Petitioners side witnesses and documents:

Nil

Respondents side witnesses and documents:

Nil

Sd/-V. Devapriya
06.04.2024
District Munsif
Madurantakam