

IN THE COURT OF DISTRICT MUNSIF AT MADURANTAKAM

PRESENT: Tmt.R.Mahalakshmi., B.A., B.L.,
District Munsif, Madurantakam
Saturday, the 1st day of November, 2025

I.A.No.7/2025

in

O.S.No.36/2022

Dhamodharan

...Petitioner/Plaintiff

-Vs-

1. Shanthi
2. Uma
3. Gowri

...Respondents/Defendants

This petition coming up for final hearing before me in the presence of Tr.B.Rajesh, counsel for Petitioner and Tmt.ArunaMunuswamy. counsel for 3rd respondent 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 Order XVI Rule 1 and 6 of Code of Civil Procedure, to send for the documents and to mark the same.

2. Brief of petition facts as follows:-

The Petitioner herein is the plaintiff in the suit. The petitioner states that the suit is filed by petitioner/plaintiff for the relief of permanent injunction. The petitioner further states that the said document is very vital to prove the case and the said document is in custody by the CSI Simpson Memorial Church, Madurantakam and CSI Primary School, Andavakkam Village, Madurantakam Taluk. Therefore this petition is filed to send for said document from CSI Simpson Memorial Church and CSI Primary School and to mark the same. If the petition is not allowed the petitioner

will be put to heavy loss and hardship. On the other hand no prejudice will be caused to the Respondent. Hence the petition.

3. Counter filed by the 3rd Respondent/ 3rd defendant and adopted by 1st and 2nd respondents/1st and 2nd defendants, in brief:

(i) The Respondent states that this petition is unsustainable in law and facts. All the allegations contained in the petition are denied except those are specifically admitted herein.

(ii) The respondent states that the petitioner/plaintiff closed his side evidence long back. Further the respondent states that if those documents are essential to his case. The petitioner ought have filed this petition when his evidence was taken. The respondent further states that the suit is in the stage of DW2 cross examination and petitioner has not yet completed the cross examination. The petitioner has filed the present petition only to drag on the case proceedings and 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 witness were examined on both sides.

6. Heard petitioner side and perused the records.

7. On Perusal of records, it is seen that the suit is filed by the petitioner/plaintiff for the relief of permanent injunction. Further it reveals that the suit is in the stage of DW2 cross examination. It reveals that the petitioner/plaintiff evidence was closed with PW2 on 18.06.2024. Further it reveals that the marriage invitation of the 3rd respondent/3rd defendant and transfer certificate of 3rd respondent/3rd defendant has already been marked as Ex A5 and Ex B9.

8. Further it reveals that the suit is for bare injunction. Hence in a suit for injunction the main issue to be decided is factum of possession. Without going into merits of the case at this stage, this court considers that, if the petitioner real intention

is to produce the documents, he ought have filed it when court granted opportunity for his evidence. Further it reveals that petitioner has not applied for certified copies of those documents which are very much admissible in evidence. Therefore the petitioner kept quite from 2024 and filed the present petition belatedly when the suit is in the stage of cross examination of DW1. Therefore this court holds that the real intention of the petitioner is to prolong the case proceedings. Therefore in view of the above discussion this court decides that this petition is devoid of merits and liable to be dismissed.

9. 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 1st day of November, 2025.

Sd/-R.Mahalakshmi

District Munsif
Madurantakam

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

Sd/-R.Mahalakshmi

District Munsif
Madurantakam