

IN THE COURT OF THE DISTRICT MUNSIF AT MADURANTAKAM

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

Tuesday, the 28th day of November, 2023

I.A.No.8/2023

in

O.S.No. 350/2015

1. R.Venkataperumal (died)
2. R. Kannadasan

...Petitioners/Plaintiffs

-vs-

1. R. Madhavan (died)
2. D. Mohanbabu
3. The Sub-Registrar, Madurantakam
4. The Thasildar, Madurantakam
5. The District Collector, Kancheepuram

...Respondents/Defendants

This petition coming up before me on 16.11.2023 for final hearing in the presence of, Thiru. V. Agoram, counsel for the Petitioners/ Plaintiffs and 1st Respondent/1st Defendant having been died and Thiru. R.S. Renganathan, counsel for the 2nd Respondent/2nd Defendant and Respondents 3 to 5 /Defendants 3 to 5 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 Petitioner/Plaintiff under Order VII Rule 14 (3) of Code of Civil Procedure, to receive the petition mentioned documents in the above suit.

2.The averments stated in the petition in brief

The documents No. 1 to 3 are certified copy of the sale deeds and the document No.4 and 5 are the adangal extracts. The documents are all very vital to prove the case of the Petitioners/Plaintiffs. The said Madhavan had fraudulently obtained the patta. The RPT number changing the patta is not valid. The letter issued by Thasildar, Madurantakam with regard to the RPT number along with adangal extract is also herewith filed. The documents are obtained recently and therefore those could not be filed at the time of filing of the above case. Hence the petition.

3. The averments stated in the counter filed 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 all false and incorrect. The Petitioners/Plaintiffs had not given valid and bonafide reason for non-filing of the petition mentioned documents.

Therefore the petition mentioned documents could not be received. The documents Nos.4 and 5 Adangal Extract are documents created after the suit by the Petitioners/Plaintiffs, for his convenience by influencing the revenue officials. So the document Nos.4 and 5 are also inadmissible in evidence as they are concocted and created documents after suit. There is absolutely no merits in the present petition. Hence this petition is 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 Petitioners/Plaintiffs had filed this petition to receive the petition mentioned documents. The Respondents/Defendants had resisted the petition stating that, the documents are inadmissible in evidence. The Petitioners/Plaintiffs had filed certified copies of the documents. This petition is filed merely to receive the documents and the objections raised by the Respondents/Defendants can be decided only after trial. Hence in the interest of justice, this court is inclined to allow this petition.

8. In the result, this petition is allowed on costs of Rs.300/- to be paid by Petitioners/Plaintiffs to the 2nd Respondent/2nd Defendant on or before

05.12.2023, failing which, this petition will be automatically dismissed. Call on 05.12.2023.

Dictated to the Stenographer and transcribed by him and corrected and pronounced by me in open court on this the 28th day of November, 2023.

District Munsif
Madurantakam

Petitioner side witnesses and documents:

Nil

Respondent side witnesses and documents:

Nil

District Munsif
Madurantakam