

IN THE COURT OF THE PRINCIPAL SUB JUDGE, PALANI

**Present : Tmt.K.Renugadevi, LL.M.,
Principal Sub Judge, Palani.**

Dated this the 13th day of November 2024, Wednesday

I.A.No.2/2024

in

O.S.No.93/2021

1. Ilangovan
2. Premkumar

... Petitioners/Defendants

/Vs/

C. Roopa

... Respondent/Plaintiff

This petition came up before me for final hearing on 30.10.2024 in the presence of Mr.V.Rajamanickam, Mr.V.Patchaimuthu, Ms.R.Abirami, Mr.M.Niyaj Ahamed and Mr.G.Kannusamy, learned Counsels for the Petitioners/Defendants, Mr.P.Nagulsamy, Learned Counsel for the respondent/plaintiff and upon perusal of records and having stood over for consideration till this date, this court doth delivers the following

ORDER

This petition is filed by the Petitioners/Defendants under Order 8 Rule 1A(3) of Civil Procedure Code to receive the additional documents filed by them.

2. The petitioner is the 1st defendant in the suit has filed this application to receive the document dated 05.06.2020 styled as "ஓப்புதல் பத்திரம்" stating that the said

document is vital for disposal of the case and the same has been kept in safe custody of the defendant and the same has been produced now at the time of defendant side evidence to mark it on his side, to substantiate his case and so sought to allow the application.

3. Whereas the respondent/plaintiff strongly denied the execution of the said document dated 05.06.2020 and the same has been forged and that's why the said document has not been enclosed along with the written statement filed on 18.11.2021 and so the same cannot be received in evidence and so sought to dismiss this application.

4. Heard. Records perused. On perusal it is seen that the document sought to be received is styled as "ஒப்புதல் பத்திரம்" dated 05.06.2020. On the other side the execution of the same is denied by the respondent/plaintiff, but this court at this stage cannot go into relevancy and proof of the same. However whether the document sought to be received in evidence is an admissible piece of evidence or not has to be considered. And the reading of the written statement of defendant would go to show that the specific plea has been raised by the petitioner that the respondent/plaintiff has received Rs.3,00,000/- and has relinquished her right on 05.06.2020 and the receipt to that effect was issued. Therefore though the document has been styled as "ஒப்புதல் பத்திரம்", through that document the respondent/plaintiff alleged to have relinquished her right in the house property (without admitting the said plea). Further the cross

examination of PW1 by the petitioner as defendant would also go to show that the petitioner has cross examined the respondent/plaintiff as if she has relinquished her right in the suit schedule property and executed a document dated 05.06.2020 after receipt of Rs.3,00,000/-. And so from the written statement as well as from the cross examination of DW1 by the petitioner would reveal the intention of the petitioner/defendant that through the document dated 05.06.2020 the petitioner plead that the respondent/plaintiff alleged to have relinquished her right. And therefore the said document can be considered only as relinquishment deed though the same has been styled as "ஓப்புதல் பத்திரம்" (without admitting the execution of the same by the respondent/plaintiff). And therefore the same requires registration as per the provisions of Transfer of Property Act and also to be sufficiently stamped. But this document has not been properly stamped and also not registered. In such, circumstances it is inadmissible in evidence and so the same cannot be received in evidence and hence the petition is liable to be dismissed.

In the result, this petition is dismissed with costs.

Directly dictated to the Steno-Typist, transcribed and computerised by her, corrected and pronounced by me in the open Court, on this the 13th day of November 2024 .

sd/.K.Renugadevi
**Principal Sub Judge,
Palani.**

Both side witnesses and documents : Nil

sd/.K.Renugadevi

**Principal Sub Judge,
Palani.**

**Principal Sub Court,
Palani.**

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Fair/Draft Order

13.11.2024.

