

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE, DHARMAPURI

Present: Tmt.U.Monica,M.L.,
Additional District Judge,
Dharmapuri.

Thursday, this the 10th day of September 2024

I.A.No.14/2024

in

I.A.No.9/2023

in

O.S.No.66/2021

Raju ... Petitioner/3rd defendant

/ versus /

Madhu ... Respondent/plaintiff

This petition is coming up before me on 9.9.2024 for hearing in presence of Thiru.P.Raju, Advocate for the petitioner and Thiru.N.Naveenkumar, Advocate for the respondent and upon hearing both side arguments and on perusal of entire case records and having stood over for consideration till this day, this court delivered the following;

ORDER

This petition has been filed under Order-8, Rule-1(A) and section 151 of CPC to receive documents.

2. The averments in the petition in brief is as follows:

According to the petitioner, recently he is in possession of certain important

documents which are very much necessary to prove the case. Hence the petition has to be allowed.

3. The averments in the counter in brief is as follows:

It is true that the respondent/plaintiff has given complaint against petitioner/third defendant in Bar Counsel of Tamil Nadu and Puducherry. The said complaint was taken on file in DCC No.140/2022. However it is false to state that the dismissal of the complaint order was received by the petitioner only on 22.2.2024. The respondent did not receive any notice with regard to the dismissal of his complaint. It is a quasi judicial proceedings and no way connected with this case. The petitioner has suppressed the pendency of case before the Honourable High court in respect of the suit properties and entered into a compromise and filed O.S.No.44/2021. The said suit has been filed only to grab the suit properties. The plaintiff has preferred complaint on 25.12.2021 before the Superintendent of police, Dharmapuri and CSR has been lodged against petitioner. In CMP.3023/2022 the Honourable High court on 4.3.2022 has observed that the petitioner has created document to grab the suit properties. The petitioner has not made any appeal against the observation. The defendants 1 and 2 are liable to execute Sale deed in favour of plaintiff and the defendant has filed this petition as if he does not know anything about the case filed by the plaintiff. The documents sought to be received are in no way related to the case. Hence the petition has to be dismissed.

4. **The point for consideration:**

Whether the petition is to be allowed or not?

5. Heard both side. No oral evidence have been adduced on either side.

6. **Point:**

6.1) The petitioner alleges that the documents are necessary to prove his case.

Hence the same have to be received.

6.2) The plaintiff resisted the petition by contending that these documents are in no way related to the case and petition is liable to be dismissed.

6.3) The documents sought to be received are set aside order of the Honourable High Court in CMP No.3023/2022 in CRP.(NPD).SR.No.13052/2022, dated 4.3.2022, Complaint preferred by plaintiff to Inspector of police, Harur police station and Complaint dated 28.12.2021 preferred by plaintiff to Superintendent of police along with CSR receipt.

6.4) This court is of the view that in the interest of justice, to provide the petitioner an opportunity to prove his case and to prevent multiplicity of proceedings, the petition has to be allowed. Mere receiving of documents will not give any advantage to the petitioner as he has to prove it. Hence this petition is allowed subject to proof and relevancy of the documents sought to be produced.

In the result, the petition is allowed subject to proof and relevancy of the document sought to be produced. No costs.

Dictated by me, typed by the Steno-typist, corrected and pronounced by me in Open Court on this the 10th day of September 2024.

Additional Sessions Judge,
Dharmapuri.

Petitioner side Evidence, Exhibits: Nil

Respondents Side Evidence, Exhibits: Nil.

Additional Sessions Judge,
Dharmapuri.

Fair Order

I.A.No.14/2024 in
I.A.No.9/2023 in
O.S.No.66/2021

Dated:10.9.2024.