

IN THE COURT OF ADDITIONAL DISTRICT JUDGE, KRISHNAGIRI

Present: Thiru.V. Damodaran, B.L.M.,M.L.,

Additional District Judge, Krishnagiri
Thursday, the 12th day of March 2026

I.A.No.7/2025 in OS.No.170/2022
CNR .NO.TNKI01-001141-2022

1. P.Ghouse Basha
2. S.Suber
3. A.H.Manzoor Basha
4. F.Mahammed Abrar
5. G.Sameena
6. G.Salman
7. Ameen Sheik

....Petitioners/Defendants 1, 7, 9 & 12 to 15

/Versus/

1. C.Muralithara

....Respondent/Plaintiff

2. N.Ramachandran
3. N.Sridharan
4. V.Madhesan
5. R.Sekar
6. N.Saminathan
7. K.R.Vinodkumar
8. R.Chandiran
9. K.Narayanakumar
10. The Sub Registrar, Veppanapalli

....Respondents /Defendants 2 to 6, 8, 10, 11 & 16

This petition was coming up before me finally on 18.02.2026 in the presence of Thiru. K.B.Gopalakannan, Advocate appearing for the Petitioners, and Thiru. R.K.Ravishankar, Advocate for appearing for the 1st Respondent, and Thiru. K.Baskar, Advocate for appearing for the Respondents No.2 to 9, and upon hearing

the arguments of Petitioners and Respondents side and on perusal of available records, and having stood over for consideration till date, this Court deliver the following:-

ORDER

Petition filed u/o VIII Rule 1(A) of CPC to receive additional documents filed by the petitioners/defendants herein.

2] The contents of the Affidavit filed in support of petition is as follows:-

The 1st petitioner is the 1st defendant in the suit. The petitioners 2 to 7 are the defendants 7, 9, 12 to 15 in the suit. This petition is filed by the 1st petitioner on his behalf and on behalf of other petitioners as well. The 1st respondent is the plaintiff in the suit. The above suit is filed by the 1st respondent seeking cancellation of General Power of Attorney Deed bearing Doc.No.2651/2020 dated 24.12.2020 and for other reliefs in alternative, claiming a sum of Rs.1,37,42,500/- with false and concocted allegations. The petitioner submit that, the 1st respondent has executed General Power of Attorney dated 24.12.2020 in favour of the petitioner after receiving total sale consideration for the properties consist in the General Power of Attorney Deed and the 1st respondent has executed a receipt in favour of the petitioner for receiving the entire sale consideration of Rs. 2,40,00,000/- in cash. On the date of GPA itself, 12 Sale Deeds were executed by the petitioner in favour of the petitioners 2 to 7 on the basis of the General Power of Attorney executed by the 1st

respondent. The petitioner is now producing original receipt executed by the 1st respondent, for having received entire Sale consideration by cash while executing General Power of Attorney in favour of the petitioner.

The petitioner further submit that, another case as against the 1st respondent/plaintiff herein a sum of Rs. 2,03,75,000/- with subsequent interest on Rs. 1,50,00,000/- towards the advance amount paid by the 1st petitioner to an extent of 5.29 1/2 land agreed to be sold by the 1st respondent and his wife pratiba, on receiving the amount of Rs. 1,50,00,000/-. The 1st respondent herein has handed over the possession of the said 5.29 1/2 acres of land to the petitioner for improving it by forming layout and all other facilities like roads and other amenities but after formation of Layout, the petitioner further submit that, the delivery of entire extent of land 5.29 1/2 acres for improving the land the 1st respondent has sought additional security from the petitioner apart from the advance amount of Rs.1,50,00,000/- paid by the 1st respondent and his wife and to satisfy 1st respondent, the petitioner hand over a blank signed cheque to 1st respondent as a security towards repayment of the balance sale consideration of the entire land but, after improving the land, 1st respondent and his wife have failed to execute the Sale Deed in favour of the petitioner stating instead of repeated demand made by the petitioner and the 1st respondent and his wife have told the petitioner that, they are not in a position to execute Sale Deed due to some encumbrances in respect of the said property and they have agreed to return the advance amount paid by the petitioner with interest and to

pay a sum of Rs.2,00,00,000/- spent by the petitioner for the formation of Layout but they failed fulfill their commitments to repay the amounts. So the 1st respondent has misused the blank cheque handed over by the petitioner as security for the said property and forged the xerox copy of the receipts as if the petitioner have issued cheque to him towards the payment of sale consideration and filed this suit.

The petitioner further submit that, the petitioner as filed OS.No.450/2023 against the 1st respondent and his wife for recovery of the advance money paid by the petitioner in respect of the said property and the same was pending on file of this court. Apart from the said original receipt executed by the 1st respondent in respect of the suit property in this case, the plaintiff has denied there is no prior transaction between the petitioner and the plaintiff but, it is submitted that there was prior transaction between the petitioner and the plaintiff. The petitioner has filed a civil suit for the recovery of money against the plaintiff and his wife, the same is pending before this court in OS.No.450/2023 and so it becomes just necessary to file copy of plaint in the said suit as additional document in this case. The above said documents are very important and essential documents prove the case of the petitioner as such, prayed for allowing the application.

3] The respondent filed counter is runs as follows:-

The respondent filed counter stating that, the contents of the affidavit denied as false. Since, no valid consideration was received the 11 Sale Deeds alleged execution

was 1st petitioner/1st defendant in favour of petitioners 2 to 7 on the basis of General Power of Attorney are null and void. The petitioners 2 to 7 cannot claim to be bona fide purchasers as their titles are derived from a disputed and un-cancellable General Power of Attorney, without genuine and verifiable consideration.

Objection to Prior Transaction claims and misuse of security. The 1st petitioner is attempting to mix two distinct and separate transactions, specifically the transaction related to OS.No.170/2022 and the alleged transaction concerning 5.29 1/2 acres of land which is the subject of the 1st petitioner's separate suit, OS.No.450/2023. The plaintiff's denial of "prior transactions between the respondents and the plaintiffs" was in the context of the suit property and not a blanket denial of all past dealings.

It is admitted that the 1st petitioner paid an advance amount of Rs.1,50,00,000/- regarding the separate 5.29 1/2 acres land transaction. It is the 1st petitioner's own admission that the land could not be sold due to "some encumbrances", which led to the agreement to return the advance and pay for the layout formation expenses. Now, the petitioners seek to file three documents S.No.1 Original receipt dated 24.12.2020 and this document is the core of the 1st petitioner's false defense for the General Power of Attorney in OS.No.170/2022. It is a fabricated document that has been concocted to support the 1st petitioner's false claim of receiving Rs.2.4 crores in cash. It should also be rejected as a fraudulent document. S.No.2 Certified copy of plaint in OS.No.450/2023 and S.No.3 Xerox

copy of receipt in OS.No.450/2023. These documents relate to an entirely separate transaction concerning 5.29 1/2 acres of land and the recovery suit OS.No.450/2023 filed by the 1st petitioner/1st defendant. The details of that suit are irrelevant to the cause of action in the present suit, OS.No.170/2022, which concerns the cancellation of the General Power of Attorney and related reliefs. The introduction of these documents is a mere attempt to divert the court's attention and complicate the trial of the suit property. The petitioner's application to receive these documents should be dismissed, as 1st document is fraudulent one and 2nd & 3rd documents are irrelevant to the case of hand. Hence, prayed for dismissal of the application.

4] Point for consideration:

1. Whether the petition filed by the petitioners u/o VIII and Rule 1 A of CPC has to be allowed or not?

Point:

5] Heard both sides.

6] The petitioner has filed application u/o VIII and Rule 1 A to receive three documents in this case as support of the case.

7] It is contended by the learned counsel for the petitioner that, the receipt dated 24.12.2020 and certificate copy of the plaint OS.No.450/2023 and xerox copy of receipt in OS.No.450/2023 are very much relevant so the case of hand as such, the

above said documents has to be received as a documents from the side of the petitioners/defendants herein.

8] On the other hand learned counsel for the respondents/plaintiffs argued before the court that, the S.No.1 of the document is a fabricated document and S.No.2 & 3 has nothing to do with the present suit which is concerned about separate dealings with respect of selling of property to an extent of 5.29 1/2 acres of land as such the above said documents are not relevant to the case of hand as such, the petition has to be dismissed.

9] Whether the S.No.1 which was annexed with the petition is fraudulent one or genuine one can be decided at the time of trial and again whether Doc.No.2 & 3, Whether it is irrelevant in this case has to be decided only at the time of trial and not at the time of receiving the document. At the time of trial, both the parties has to be allowed to put forth their case and all the relevant documents to the case to be produced by the party so as to establish their case. If any hiccup is there then the party cannot able to contest the case in effective manner, so in order to give a fair opportunity the petitioners/defendants in this case to put forth their case before the court an opportunity to be given to the petitioners/defendants. If at all any objection is there then the respondents/plaintiffs can object it at the time of marking the documents and the said objection would be considered and appropriate order will be passed at the time of marking the documents. If the documents were not received by the court at the initial stage itself, the petitioners/defendants will lose an opportunity

to put forth this case in effective manner before the court of law. So, in order facilitate the petitioners/defendants to put forth the case in a effective manner those documents has to be received by the court. Accordingly, the petition is allowed.

In the result, this petition is allowed. No cost.

Dictated to the Stenographer, directly typed by her, corrected and pronounced by me in the open court today this the 12th day of March 2026.

Additional District Judge,
Krishnagiri.

Annexure: Nil

Additional District Judge,
Krishnagiri.