

In the Court of the District Munsif, at Hosur.

**Present:- Thiru. E. Damodaran, B.Sc.,B.L., M.B.A.,
District Munsif (FAC), Hosur.**

Tuesday, the 09th day of June 2020

I.A.No.01/2019 and IA No. 02/2019 in O.S.No. 420/2007

Musthafa

... Petitioner / Plaintiff

/vs/

1. Shamshad Begum
2. Jayalakshmi
3. Muni @ Mingadu

... Respondents / Defendants.

This petition came up on 28.02.2020 for final hearing before me in the presence of Tr. G. Gowrish Kumar, learned counsel for the Petitioner/Plaintiff and of Tr. A. Chandrasekaran learned counsel for the Respondents/Defendants and upon hearing the arguments on both sides and having stood over for consideration till this date this court made the following

COMMON ORDER

IA 01/2019 :

This petition is filed U/Or. 7 R. 14(3) of CPC to receive the additional document and admit it in evidence on the side of petitioner / plaintiff side.

IA No. 02/2019 :

This petition has been filed U/s. 151 of CPC., to reopen the plaintiff side evidence for the purpose of marking certain documents on the side of the plaintiff as P.W.1.

2. Brief of the petition runs as follows:-

The case of the petitioner is that, he is the plaintiff in the main suit and deposed evidence as P.W.1 and he had preferred an IA No. 93/2017 to send for some documents from REP No. 47/2010 and the same was allowed. Further, the petitioner / plaintiff alleged that he had traced some other documents also which is very much relevant to prove his case and hence the petitioner / plaintiff had filed these petitions for reopen the plaintiff side evidence and permit him to mark the documents on his side. Hence, the petition.

3. Brief of the counter filed by the respondent runs as follows:-

The case of the respondent is that, the proceedings in REP No. 47/2009 in O.S. No. 269/2004 is a separate proceedings and in no way connected to this suit. A fraudulent decree has been obtained and execution petition 47/2009 has been filed for delivery of possession and when court ameena visited the property, the

defendants made strong objections and further the court aameena had recorded the objections made by the defendants. Later, the defendants had filed claim petitions REA No. 10/2013 and REA No. 11/2013 the same was pending and hence no order was passed in the EP No 47/2010 in favour of the petitioner / plaintiff.

It is also alleged by the Respondent / defendant that the reasons stated by the petitioner / plaintiff that documents were misplaced is invented only for the purpose of the case. Further, cross examination of P.W.1 is not completed and at the stage the petitioner is not entitled to file this petition and hence the respondent / defendant request this Court to dismiss the petition.

4. The only point for consideration is whether the petitions are to be allowed or not?

5. Point:-

Heard. Records perused. The suit has been filed in the year 2007 for the relief of Permanent injunction as against the defendants. At the stage of P.W.1 cross examination, petition has been filed by the petitioner / plaintiff, to reopen the P.W.1 chief examination and also permit him to mark additional documents on his side. Eventhough, the respondent / defendant had objected to receive the documents, on the side of the petitioner / plaintiff and also contended that the

documents would not helpful as irrelevant to the facts of this case. Whether the documents would be helpful to the facts of this case or not? cannot be decided at this stage. The admissibility of documents will be decided only at the time of marking the same. There is no serious objection in allowing the petition by the respondent. Hence, in the interest of justice, this court is of the considered opinion this petitions can be allowed.

In the result the petitions are hereby allowed. No costs.

Dictated to the Typist directly typed by her corrected and pronounced by me in open court this the 09th day of June 2020.

District Munsif (FAC),
Hosur.

Both sides exhibits and witnesses:- Nil

District Munsif (FAC),
Hosur.