

**IN THE COURT OF DISTRICT MUNSIF UTHANGARAI
KRISHNAGIRI DISTRICT**

**Present : Thiru. G. Amar Anand, B.A.LL.B (Hons), LL.M.
District Munsif, Uthangarai**

On this Tuesday, the 15th day of October 2024

I.A.No. 14 of 2024 in O.S.No. 50 of 2013

TNKI13-000008-2013

1. Santhagowri
2. Selvi
3. Chithra
4. Madhavan
5. Kalidhas

...Petitioners / Defendants 4 to 8

/versus/

Ramesh

...Respondent / Plaintiff

This interlocutory application came up before this Court on 15.10.2024 for final hearing in the presence of advocate Thiru. G. Vajjiravel, the learned counsel for the petitioner and advocate Thiru. S. Moorthi, the learned counsel for the respondent and upon hearing both sides and on perusal of records and having stood over for consideration till date, this Court delivers the following:

ORDER

The application has been filed under Order VIII Rule 1A(3) of the Code of Civil Procedure, 1908 seeking leave to receive documents which were not produced at the time of presentation of written statement.

The averments of the petitioners in brief:

1. The petitioners herein are the defendants in the suit instituted by the respondents for partition and injunction and aver that the suit stood posted for cross-examination on 27.08.2024 for cross-examination. The petitioners avers that the documents such as sale deed dated 15.05.1991 with Doc.No. 482/1991, sale deed



dated 09.01.1992 with Doc.No. 23/1992, sale deed dated 02.09.1993 with Doc.No. 926/1993, sale deed dated 06.05.1996 with Doc.No. 2172/1996, sale deed dated 19.12.1986 with Doc.No. 1593/1986, sale deed dated 13.10.1988 with Doc.No. 1365/1988, sale deed dated 11.10.1993 with Doc.No. 1041/1993, sale deed dated 09.06.1993 with Doc.No. 594/1993, sale deed dated 12.07.1996 with Doc.No. 1284/1996, rectification deed dated 07.10.1993, adangal extract dated 11.01.2018 (3 in numbers), adangal extract dated 11.02.2022, adangal extract dated 11.04.2014 (2 in numbers), house tax receipts (17 in numbers), Computer Chitta for Patta No. 147 and 148 dated 09.09.2024 are important documents which are to be marked in evidence. Hence, the petitioners pray for allowing this application and seek leave to receive the documents.

The averments of the respondent in brief:

2. The respondents deny the averments of the petitioners in toto and aver that the petitioners have been given multiple opportunities to adduce evidence and the respondents failed to let in evidence and have filed this application only to prolong proceedings. Hence, the respondents seek for dismissal of the application.

Point for consideration:

3. Whether this application is liable to be allowed?

Evidence:

4. Neither of the parties to this application has adduced any oral or documentary evidence.

Discussion:

5. This Court, having considered the arguments advanced on both sides and thoroughly examined the pertinent case records, proceeds to delineate its findings by the following discussion. This suit has been instituted for partition and perpetual injunction. This application has been filed along with application to reopen the



evidence of the defendants and to recall the witness to adduce evidence on the side of the defendants. The petitioners have filed this application seeking leave to receive documents such as sale deed dated 15.05.1991 with Doc.No. 482/1991, sale deed dated 09.01.1992 with Doc.No. 23/1992, sale deed dated 02.09.1993 with Doc.No. 926/1993, sale deed dated 06.05.1996 with Doc.No. 2172/1996, sale deed dated 19.12.1986 with Doc.No. 1593/1986, sale deed dated 13.10.1988 with Doc.No. 1365/1988, sale deed dated 11.10.1993 with Doc.No. 1041/1993, sale deed dated 09.06.1993 with Doc.No. 594/1993, sale deed dated 12.07.1996 with Doc.No. 1284/1996, rectification deed dated 07.10.1993, adangal extract dated 11.01.2018 (3 in numbers), adangal extract dated 11.02.2022, adangal extract dated 11.04.2014 (2 in numbers), house tax receipts (17 in numbers), Computer Chitta for Patta No. 147 and 148 dated 09.09.2024. A perusal of the same would show that they are relevant documents pertaining to the suit property. However, a perusal of the affidavit of the application would show that the petitioners have not assigned any reasons as to why the documents were produced at the time of filing the written statement and thereafter and when the petitioners were afforded multiple opportunities to adduce evidence. Further, the suit stood posted for defendant side evidence on 04.07.2023, 11.07.2023, 18.07.2023, 26.07.2023, 09.08.2023, 21.08.2023, 31.08.2023, 13.09.2023, 22.09.2023 and 20.06.2024, 02.07.2024, 08.07.2024, 15.07.2024, 23.07.2024, 01.08.2024, 12.08.2024, 19.08.2024, 22.08.2024 and not for cross-examination. Nevertheless, a perusal of the documents would show that they are relevant to the suit properties and are indispensable for making a just and proper decision in this suit. Hence, this Court is of considered with that despite the lacuna, this application has to allowed in the interest of justice in order to avoid further delay and multiplicity of proceedings and that the petitioners have to be given yet another opportunity to present their fullest case. However, in order to compensate the other side, this Court is of considered view that imposition of cost is just and proper.



Result:

6. As a result, application is allowed on condition of payment of cost of Rs. 500/- to the respondents on or before 22.10.2024.

This order was dictated to the steno-typist and transcribed by her on computer and after rectification of mistakes, pronounced by me in open court on this 15th day of October 2024.

Sd/-
Thiru. G. Amar Anand, B.A.LL.B (Hons), LL.M.
District Munsif
Uthangarai

Annexure

Petitioner side evidence

Petitioner side Witnesses: Nil

Petitioner side Exhibits: Nil

Respondent side evidence

Respondent side Witnesses: Nil

Respondent side Exhibits: Nil

Court Documents: Nil

Sd/-
Thiru. G. Amar Anand, B.A.LL.B (Hons), LL.M.
District Munsif
Uthangarai