

**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 Monday, the 17th day of February 2025

**I.A.No. 05 of 2024 in O.S.No. 54 of 2021**

TNKI13-000062-2021

Arasan

...Petitioner / Plaintiff

/versus/

1. Junior Engineer, TANGEDCO, Perampattu
2. Assistant Engineer, TANGEDCO, Merkathiyanur
3. Executive Engineer, TANGEDCO, Tirupathur
4. Supervising Engineer, TANGEDCO, Tirupathur
5. Illaiyaperumal

...Respondents / Defendants

This interlocutory application came up before this Court on 17.02.2025 for final hearing in the presence of advocate Thiru. N. Devendiran, the learned counsel for the petitioner and the learned Government Pleader for the respondents 1 to 4 & later set *ex parte* in the suit and advocate Thiru. S. Santhosh Kumar, the learned counsel for the 5<sup>th</sup> 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 VII Rule 14(3) of the Code of Civil Procedure, 1908 seeking leave to receive documents which were not presented at the time of presentation of the plaint.

***The averments of the petitioner in brief:***

1. The petitioner herein is the plaintiff in the suit instituted for perpetual injunction against the respondents and avers that the suit is posted for trial in special list. The petitioner avers that the documents such as kist receipts, partition deed and



Patta order dated 28.02.2001, the judgment and decree in the suit instituted by the petitioner's mother Goverammal against his brothers in O.S.No. 605 of 1986 on the file of District Munsif Court, Harur and the second appeal in S.A.No. 214 of 1995 on the file of Honourable Madras High Court are important documents for proving the petitioner's case. The petitioners aver that some of the aforesaid documents were only found now and other copies were obtained from the Honourable Madras High Court and are filed now. Hence, the petitioner prays for allowing this application and condone the delay in filing the documents.

***The averments of the 5<sup>th</sup> respondent in brief:***

2. The 5<sup>th</sup> respondent denies the averments of the petitioner are all false in toto and avers that the petitioner has no right on the suit property. The 5<sup>th</sup> respondent further denies that the suit is filed for perpetual injunction as against the respondents. The 5<sup>th</sup> respondent avers that in the 2<sup>nd</sup> paragraph of the petition the petitioner admitted that the suit stood posted for final hearing and the petitioner filed this application with false averments with intention to delay the proceedings. The 5<sup>th</sup> respondent avers that the documents filed by the petitioner are not related to the suit property and the documents were created before the filing of the suit. The 5<sup>th</sup> respondent avers that the petitioner has filed this application and documents with the intention to delay the proceedings and the application is liable to be dismissed and hence, the 5<sup>th</sup> respondent 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 perpetual injunction restraining the respondents 1 to 3 from changing electricity connection to the 5<sup>th</sup> respondent's name without the knowledge and consent of the petitioner. This application is filed under Order VII Rule 14(3) of the Code of Civil Procedure, 1908 seeking leave to receive documents which were not presented at the time of presentation of the plaint. On perusal of the documents, it shows that they are original kist receipts, certified copy of Patta mutation order, certified copy of the decree of the District Munsif Court, Harur in O.S.No. 605 of 1986 and certified copy of second appeal in S.A.No. 214 of 1995 on the file of Honourable Madras High Court. The respondents have averred that the documents are not relevant and the same is only perfunctory in nature. 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 view that 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.

***Result:***

6. ***As a result, this application is allowed. in the interest of justice no cost is imposed.***



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 17th day of February 2025.

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