

**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 Thursday, the 19th day of September 2024

I.A.No. 06 of 2024 in O.S.No. 81 of 2023

TNKI13-000100-2023

1. Hathick Ahamed

2. Aminnulla

...Petitioners / Defendants 2, 3

/versus/

Udhayakumar

...Respondent / Plaintiff

This interlocutory application came up before this Court on 12.09.2024 for final hearing in the presence of advocate Thiru. K. Murugan, the learned counsel for the petitioners and advocate Thiru. K. Vadivel, 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.

The averments of the petitioners in brief:

1. The petitioners herein are the 2nd and 3rd defendants in the suit filed by the respondent for perpetual injunction as against the defendants. The petitioners aver that the petitioners filed an application seeking rejection of the plaint at the first instance and the same was numbered as I.A.No. 05 of 2024 and posted for hearing. The petitioners aver that judgment, plaint and decree copies of O.S.No. 24 of 2010 and some documents of the O.S.No. 24 of 2010 have been filed by the petitioners as documents. The petitioners aver that the aforesaid documents are the most important



documents and are required for the case. Hence, the petitioners pray for allowing this application and grant leave to receive documents.

The averments of the respondent in brief:

2. The respondent denies the averments of the petitioners as false in toto and avers that the application is filed only for delaying the proceedings and the documents filed by the petitioners are false and frivolous. The respondent avers that the respondent is no way connected with the case in O.S.No. 24 of 2010 and he is also not a party. The respondent further avers that no issues has been framed on basis of the written statement and this application is filed only to prolong the proceedings. The respondent avers that the application is liable to be dismissed and seeks 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 defendants interfering with the possession of the suit property. The petitioners have filed this application seeking leave to receive documents. A perusal of the documents would show that they are certified copies of the plaint, judgment and decree in O.S.No. 24 of 2010 and of orders passed in I.A.No. 90 of 2010, I.A.No.



366 of 2018 and notices in the suit. The petitioners have filed application for rejection of plaint on the grounds of *resjudicata* and have claimed that the previous suit in O.S.No. 24 of 200 have conclusively decided the rights of the petitioners and the respondent and sought for rejection of the plaint. The petitioner seeks to mark these documents in support of the application and a perusal of the documents would show that they are relevant in deciding the application for rejection of plaint numbered as I.A.No. 05 of 2024. On the other hand, the respondents have raised objections that the petitioner is not a party to the suit and these are not relevant. Considering both submissions, this Court is of considered view that these documents would be essential and relevant in making any decision in I.A.No. 05 of 2024. Hence, this Court is of view that the objections raised by the respondent are only perfunctory in nature and this Court is inclined to allow this application without any cost.

Result:

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

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 19th day of September 2024.

Sd/-

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/-

District Munsif
Uthangarai