

**IN THE COURT OF THE II ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL.**

Present : Selvi. V. Sivaranjani, B.A., L.L.B.,

II Additional District Munsif, Nagercoil

Wednesday, on the 23rd day of April, 2025.

I.A. No.1 of 2024 in O.S.. No.120 of 2021

CNR No.TNKK04-000132-2021

1. Femi Gnanaselvi

2. Suwinsha

...Petitioners / Plaintiffs

-vs-

1. David Sahaya Baskar

2. James Rani

... Respondents / Defendants

This Petition came up before this Court today on 23.04.2025 for a final hearing in the presence of Mr. A. Gnanasekar, learned Counsel for the Petitioners / Plaintiffs and Mr. R.S. Vinu, learned Counsel for the 1st Respondent / 1st defendant and Mr. N. Ananth Chellaram, learned Counsel for the 2nd Respondent / 2nd Defendant, endorsed ' no counter ' and upon hearing both sides, perusing the case records, and having stood over for consideration till this day, this court hereby delivers the following:

ORDER

The Petitioner had filed under Order VII Rule 14 and Section 151 of the Code of Civil Procedure, seeking to accept the document and mark the same.

Gist of Averments in the Petitioner Petition :

2. The Petitioner is the 1st plaintiff in the above suit. The plaintiffs have filed the suit for permanent prohibitory injunction restraining the defendants from taking the possession of the plaint schedule property and other reliefs. That the above case is posted today for the evidence of plaintiff side. At the time of filing the suit, petitioner was not able to file some documents before this court. In order to prove petitioner's case. The petitioners have to produce the document. The non filing of the documents at the time of filing suit are neither willful nor wanton. Now, petitioner was producing the document. If the documents are not accepted, petitioner will be put into irreparable loss and damage. Hence, the petition is to be allowed

Gist of Averments in the 1st Respondent/ 1st defendant's Counter:

3. The 1st Respondent had filed counter stating that the averment stated in para 1, 2 and 3 of the affidavits are partly correct. The petitioner has to prove all the facts that he is acquainted with. The averment stated in para 4 of the affidavit is not true. The petitioner/plaintiff has already filed the copy of Marriage Certificate dated 19.09.2020 at the time of filing. But, now the petitioner/plaintiff change the Marriage certificate and filed the duplicate one. The petition is not maintainable in law and on facts. The petition is vexatious and frivolous and hence the petition be dismissed.

4. The 2nd Respondent Counsel endorsed “ No Counter ” in this petition

5. The point for consideration is whether the above petition has to be allowed or not?

6. Point:

Heard both sides. Records perused. This suit is for declaration and permanent prohibitory injunction. This petition has been filed by the Petitioners / Plaintiffs while the original suit has been adjourned for PW1 Chief continuation. The document sought to be produced are the Marriage certificate Extract. Although the Petitioners / plaintiffs have not given proper reasons for not filing the document promptly, the petitioners have stated that this document is necessary to vindicate the plaintiffs case. Hence, this court is of the considered view that the petition schedule document could be received subject to proof and relevancy.

In the result, This petition is allowed, without cost.

Dictated to the steno-typist, typed by her in the Computer directly, printed, corrected and pronounced by me in open court this the 23rd day of April, 2025.

sd/-

II Additional District Munsif
Nagercoil.

List of witness and documents for Petitioners side : Nil

List of witness and documents for Respondents side : Nil

sd/-
II Additional District Munsif
Nagercoil.

*II ADM, Nagercoil.
Draft/Fair Order
I.A.No.1/2024 in
O.S.No.120/2021
Date: 23.04.2025.*