

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

**Present:** Thiru. R. Sundara Kamesh Marthandan, M.L.,

I Additional District Munsif, Nagercoil.

Monday, on the 10<sup>th</sup> day of February 2025

**I.A. No. 12 of 2024**

**in**

**O.S. No. 18 of 2019**

**CNR. No. TNKK04-000011-2019**

Nagarajan

... Petitioner/Defendant

-vs-

Krishnan

... Respondent/Plaintiff

This Petition came before this Court on 31.01.2025 for final hearing in the presence of Mr. J. Parthasarathy, Advocate for the Petitioner, Mr. M.S. Moorthy, Advocate for the Respondent. Upon hearing both sides and Upon perusing the case records, having stood over for consideration, till this date, this Court hereby delivers the following:

**ORDER**

1. The Petitioner had filed the above Petition under Order VIII Rule 3 Code of Civil Procedure, seeking an order to receive the Petition schedule documents, in the suit, for proper adjudication of the suit.

2. The Petitioner had stated that the above suit had been filed for Permanent Injunction and for other reliefs. The Plaintiff's claim was denied, by the Petitioner/Defendant. The Petition schedule documents were, filed by the Petitioner/Defendant in O.S.No. 145 of 2021 on the file of Hon'ble II Additional Sub Court, Nagercoil, seeking declaratory relief. Those documents are required to be produced, before this Court, in the above suit. Unless those documents are received the Petitioner/Defendant, will be put to irreparable loss and hardship. Hence the above Petition.

3. The Respondent had filed counter, stating that the above Petition is not maintainable, under law and on facts. It is abuse of process of Court and had been filed, to drag on the proceedings. The Petition schedule documents are in no way connected to this case. The documents are created, for the purpose of defeating the genuine claim, of the Respondent/Plaintiff. The Respondent had filed a suit for Partition against the Respondent in O.S. No. 145 of 2021 before the Hon'ble II Additional Sub Court, Nagercoil. Without adjudicating the Will, the Petition schedule documents, cannot be accepted and marked. The Petitioner had not filed, those documents, while filing Written Statement or at an earlier stage. The Petitioner failed to state, the custody of the documents. Now the case is posted for enquiry, in Petition to revisit by the Advocate Commissioner. As such no necessity, arisen to file the above Petition mentioned documents. The Petition is vexatious and frivolous one. The Petition is unsustainable and liable to be dismissed.

4. The point for consideration is Whether the above Petition has to be allowed or not ?

5. The Petitioner's case is that, in another suit namely O.S. No. 145 of 2021 pending on the file of the Hon'ble II Additional Sub Court, Nagercoil, the Petition schedule documents were filed and they have to be exhibited, in the above suit. For that reason, the above Petition schedule documents have to be received. Though the Respondent/Plaintiff contended, unless the subject Will, is adjudicated the Petition schedule documents, could not be considered. The Respondent/Plaintiff had not denied the pendency of the said suit and filing of those documents, in the said suit by the Petitioner/Defendant herein. Such being the case, when there are numerous suits between the same parties, with regard to the same property, the parties could not produce all those documents, in all cases, simultaneoulsy. Hence this Court is of the considered view that the Petition schedule documents, could be received, subject to proof and relevancy.

In the result, the above Petition is allowed. No cost.

Dictated to the Steno-Typist, transcribed and typed by her, corrected and pronounced by me, in open court this, the 10<sup>th</sup> day of February 2025.

I Additional District Munsif,  
Nagercoil.

**Petitioner's side witnesses and documents : Nil.**

**Respondents' side witnesses and documents : Nil.**

I Additional District Munsif,  
Nagercoil.

I ADM, Nagercoil  
Draft/Fair Order  
I.A.No. 12/2024 in  
O.S.No.18/2019.  
Date: 10.02.2025.