

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

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

II Additional District Munsif, Nagercoil.

Monday, on the 6th day of October, 2025.

I.A. No. 8 of 2025 & I.A.No.9 of 2025 in

O.S. No. 208 of 2007

CNR No.TNKK04-000081-2007

T. Sudalaiyandi Pillai

... Petitioner / Plaintiff

-Vs-

1. S. Krishnapillai

2. K. Thanupillai

3. O. Iyyappan

4. S. Rajagopal

5. A. Chellappan

6.T. Yogeewaran

7. C.N. Velayuthaperumal

8. N. Padmanathan

9. P. Parameshwaran

10. R. Perumalpillai

Addl.11. Dr. K. Arumugaperumal

Addl.12. M. Subramaniyan

Addl.13. B. Somasundar

Addl.14. Mailerum Perumal

Addl.15. S. Iyyappan

(Additional Defendants 6 to 10
impleaded as per order in
I.A.No.504 of 2010 dated 25.11.213)

(Additional Defendants 11 to 15
are impleaded as per order in
I.A.No.5 of 2024 dated 08.01.2025)

... Respondents/Defendants

This petition came before this court today on 23.09.2025 for a final hearing in the presence of Mr.T.K.S. Maniam, Learned Counsel for the Petitioner / Plaintiff and in the presence of Mr. K. Subhakaravel, Learned Counsel for the 4th to 15th Respondents and 1st to 3rd Respondents were set *ex parte* in the suit and upon hearing both sides, perusing the case records, and having stood over for consideration till this day, this court hereby delivers the following:

COMMON ORDER

I.A.No.8 of 2025 Prayer

The petitioner had filed the above petition under Order XVIII Rule 17 and Section 151 of the Code of Civil Procedure, seeking to recall the plaintiff for marking the relevant documents which are all mentioned in the document receive petition on the side of the plaintiff.

I.A.No.9 of 2025 Prayer

The Petitioner had filed under Order VII Rule 14 and Section 151 of the Code of Civil Procedure, seeking to accept the receive the documents on the side of the plaintiff.

2) **Gist of Averments in the Petitioner Petitions:**

The petitioner is the petitioner herein and Plaintiff in the above suit. The petitioner submit that while petitioner was examined as PW1 in the year 2016, the entire Pattam receipts upto the year 2016 were brought into the evidence, thereafter also petitioner was regularly paying the pattam and petitioner got the pattam receipts regularly but on 24.06.2025 during the cross examination of PW1 by the defendant counsel, he put the question that petitioner did not pay the pattam after the year 2016. In these circumstances, petitioner have to be recalled to produce the pattam receipts from the year 2007 to till now. The petitioner that now it is necessary to brought the pattam receipts because those pattam receipts are vital documents to adjudicate the case and highly essential and the same has to be brought into the evidence. Therefore it is necessary to recall the plaintiff for marking the documents which are mentioned in the documents receive petition, otherwise, petitioner will be put irreparable loss and damages and further petitioner will not prove petitioner's case.

3. In these circumstances the mentioned documents in the petition are brought into the evidence and therefore this court to receive the documents/pattam receipts on the side of petitioner/plaintiff, otherwise, petitioner will be put into irreparable loss and hardship. Hence, these petitions are to be allowed.

4) Gist of Averments in the 11th Respondent's Counters:

The counter filed by the 11th Respondent and adopted by the 6th to 10th and 12th to 15th respondents.

The 11th Respondent filed an adoption memo stating that he has filed counter in I.A.No.9/2025 and prays the same may be treated as a counter in I.A.8/2025.

5. The 11th Respondent has filed a counters stated that the petition is unsustainable under law. This petition is frivolous and vexatious in nature. The petitioner has filed this petition with an intention to prolong this case. Though the petitioner as plaintiff has filed this case in the year 2007 he has produced pattom receipt till the year 2016 at the time of his examination in chief of the petitioner on 28.03.2017. Thereafter, also the petitioner has filed a petition for receiving documents on 26.03.2025 and after allowing this application he has entered into witness box on 05.06.2025 but he has not taken any steps to produce the impugned pattom receipt before this court. Now, in order to fill up the lacuna in the evidence the plaintiff has fabricated the scheduled documents

and trying to produce the same before the court. Further it is submitted that the treasure of the Aathangarai Sudalimadaswamy Valipattu Kulu hereditary trust as PW2 on 07.07.2025. If the scheduled documents are genuine one this documents would have been produced through PW2. This application is highly belated application. Already substantial opportunity given to the petitioner to adduce evidence and produced documents. Hence, to accept the counters and dismissed the petitions.

6. The point for consideration is whether the above petitions have to be allowed or not?

7. Heard both sides and records perused. These petitions have been filed by the petitioner/plaintiff, while the original case has been adjourned for further Plaintiff side evidence. The petitioner stated that the petitioner was examined as PW1 in the year 2016, the entire Pattam receipts upto the year 2016 were brought into the evidence, thereafter also petitioner was regularly paying the pattam and petitioner got the pattam receipts regularly but on 24.06.2025 during the cross examination of PW1, the defendant counsel put the question regarding that the petitioner did not pay the pattam after the year 2016. In these circumstances, petitioner seeking to recall PW1 to produce the pattam receipts from the year 2007 to till.

8. The respondent has raised serious contention that the petitioner has produced pattam receipt till the year 2016 at the time of his examination in chief of the petitioner on 28.03.2017. Thereafter, after allowing petition for receiving documents, the petitioner has entered into witness box on 05.06.2025 but not taken any steps to produce the impugned pattam receipt before this court. Now, in order to fill up the lacuna in the evidence the plaintiff has fabricated the scheduled documents and trying to produce the same before the court. Further it is submitted that the treasure of the Aathangarai Sudalimadaswamy Valipattu Kulu hereditary trust as PW2 on 07.07.2025. If the scheduled documents are genuine one this documents would have been produced through PW2. This application is highly belated application.

9. In the light of the above facts, although the petitioner had not given proper reasons for not filing the document promptly in the previous stages where petition to receive the document has been allowed as stated by the respondent, since those documents seems to be very relevant and important for the purpose of proper and effective adjudication of issues involved in this case and for a complete judicial determination of the original case and to give the petitioner sufficient opportunity to prove the case, this court is of the considered view that it is necessary to recall the PW1 and receive the said documents. Hence, in the interest of justice, this Court inclined to allow these petitions on conditional cost.

As a result,

I.A. No. 8 of 2025:

This petition is allowed, on the condition that the petitioner shall pay a sum of Rs.300/- (Rupees Three Hundred only) payable to the Mediation and Conciliation Centre, Kanniyakumari at Nagercoil on or before 10.10.2025. otherwise, this petition would be dismissed. Call on 10.10.2025.

I.A. No. 9 of 2025:

This petition is allowed, on the condition that the petitioner shall pay a sum of Rs.300/- (Rupees Three Hundred only) payable to the Mediation and Conciliation Centre, Kanniyakumari at Nagercoil on or before 10.10.2025.. otherwise, this petition would be dismissed. Call on 10.10.2025..

Dictated to the Typist, and typed by her directly in the Computer, corrected and pronounced by me, in open court this, the 6th day of October 2025.

II Additional District Munsif
Nagercoil.

Petitioner side witnesses and documents : Nil.

Respondents side witnesses and documents : Nil.

II Additional District Munsif
Nagercoil.

Fair/ Draft common Order
I.A.No.8, 9 of 2025
in
O.S.No.208 of 2007
Date: 06.10.2025.
II ADM, Nagercoil.