

**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 24th day of March 2025

I.A. No. 9 of 2025

in

O.S. No. 90 of 2018

(CNR No: TNKK04-000092-2018)

Y. Kala

... Petitioner/Plaintiff

-vs-

1. V. Augustin Selvakumar

2. T. Krishnan

3. Tamil Thangam

... Respondents/Defendants

This Petition came before this Court on 07.03.2025 for final hearing in the presence of, Mr.Prakash Edmin Kumar, Advocate for the Petitioner, Mr. Wesley, Advocate for the Respondents. Upon hearing both sides, upon Perusing the case records, having stood over till date for consideration this Court hereby delivers the following:

ORDER

1. The Petitioner had filed the above Petition under Section 151 of Code of Civil Procedure, seeking an order to accept the documents filed along with the Proof Affidavit.

2. The Petitioner had stated that those documents are necessary and if they are

not accepted the Petitioner will be put to irreparable loss and hardship.

3. The 1st Respondent had filed counter stating that the Petition is not maintainable under law and on facts. The Petition is an abuse the process of law. On 15.11.2024 two weeks time was granted to the Petitioner, to produce the list of documents and the Petitioner had not pleaded about the delay in filing the documents. Hence they are not acceptable at this stage. The suit was filed on 20.03.2018. The Petition schedule documents are prior to that date. Hence the Petitioner had failed to plead, the possession and custody of the above mentioned documents. The Petition schedule documents are in no way connected with the case. The Petition is filed, with ill motive, to drag on the case. The Petition lacks bonafides, unsustainable, vexatious and frivolous one. The same is liable to be dismissed, for suppression of material facts. Hence the 1st Respondent prayed for dismissal of the above Peition.

4. The 2nd and 3rd Respondent have filed counter, stating that the Petition schedule documents are not relevant and they are fabricated. The Petition Schedule Document No.3 namely photograph was filed without negative or Compact Disc. The same is inadmissible in law and not liable to be marked. It has to be summarily rejected. Hence the 2nd and 3rd Respondent prayed for dismissal of the above Petition.

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

6. The Petitioner had filed the above Petition under Section 151 of Code of

Civil Procedure, without invoking the Specific Provision of Law. Though the Specific Provision of Law is not stated in the Petition, this Court Could invoke the same, since Procedure is handmaid of justice. The Petitioner had simply stated that the Petition schedule documents are necessary, for the above case and have not stated as to why they were not filed along with the Complaint and as to why, they were not filed immediately after framing of issues, within the time granted by this Court.

7. The suit is filed in the year 2018 and the issues are framed on 15.11.2024 and the suit is posted for Trial. Only in such circumstances, the Petitioner had come up with the above Petition. Considering the fact that the Trial had not commenced and in order to ensure Fair Trial, allowing the Petitioner to adduce all evidence available him will be in the interest of justice. 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 24th day of March, 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. 9/2025 in
O.S.No.90/2018
Date: 24.03.2025.