

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

Present: Tmt. M.Alima, B.A., L.L.M.,
I Additional District Munsif, Nagercoil.

Friday, on the 21st day of June, 2024.

E.A. No. 12 of 2023 in E.A.No.11/2022 in

E.P.No.2 of 2018 in O.S.No. 8 of 2011

1. Sheela Selvaraj

2. Sahul Hameed

... Petitioners/Petitioners

-vs-

1.Chandrasekaran

2. Hari

3. N.Sivakumar

... Respondents/Respondents

This petition came before this court on 20.06.2024 for a final hearing in the presence of Mr. V.Purushothaman, Learned Counsel for the Petitioners and Mr. T.Sriram, Learned Counsel for the Respondents. Upon perusing the case records, hearing both sides and having stood over for consideration till this day, this court hereby delivers the following:

ORDER

The petitioners had filed the above petition under Order 8 Rule 1(3) and Section 151 CPC, seeking to receive the documents mentioned in the petition and permit the petitioners to mark the same as exhibits on the side of the petitioner.

1) Gist of Averments in the Petitioner's Petition :

The petitioners had stated that the Execution Petition is posted for chief evidence today. In order to prove their case and nature of suit property, the documents are very necessary to be marked on the petitioner's side as exhibits. If the documents are not marked, they will be put to irreparable loss and hardship. Hence, this petition is to be allowed.

2) Gist of Averments in the Respondent's Counter :

The respondents had stated that the all the allegations raised by the objections in the petition are denied as utter false, unsustainable, frivolous and misleading. This petition is nothing but abuse the process of the court and drag on the proceedings and also just to prevent the Decree Holder to enjoy the fruits of the decree. These petitioners are the stooge and name lender of the Judgment Debtor. The Judgment Debtor instigated them to file this false and frivolous petition. The petition is nothing but abuse the process of the court and evade the decree holder to enjoy the fruits of the decree. The petition is not maintainable under law and on facts. The petitioner has not stated about the veracity of the documents mentioned in the petition. The documents mentioned in the petition are fabricated and created document for the purpose of this petition. After the completion of all evidences and just to fill up the lacuna the petitioner has filed this petition. Which is highly deliberated one and cannot be accepted at any point of time. The J.D filed compliance report but stating that he complied the decree and executed the work out in contra these objections filed

objection not execute the decree hence it is crystal clear that the decree passed by the Honourable Courts are not complied and not satisfied so far till 9 years. The objectors filed this petition without observing the spirit of the decree and judgment and pleading and relief of the plaintiff/D.H. The petitioner has not stated anything about the custody of the documents and the reasons for not submitting it before this Honourable Court earlier. The objections are estopped from putting forth any claim under law. The petition is vexatious and frivolous one. The petition is lacking on bonafides. In any view of the matter this petition is not maintainable and liable to be dismissed.

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

4) Point:

Heard both sides. Records perused. This petition has been filed by the petitioners, while the E.A.No.11/2021 has been pending for petitioners side evidence. Although, the petitioner has not given proper reasons for not filing the documents promptly, this court considers that the documents filed with the petitioners' petition are necessary to decide the E.A.No.11/2021 and to give the petitioners sufficient opportunity to prove his contention. Hence, this court inclines to allow this petition.

5) As a result, this petition is allowed, subject to the proof and relevance of the said documents without costs.

Dictated to the Steno-Typist and typed by her directly in the Computer,
Corrected and Pronounced by me, in open court this, the 21st day of June 2024.

I Additional District Munsif,
Nagercoil.

Petitioner side witnesses and documents : Nil.

Respondent side witnesses and documents : Nil.

I Additional District Munsif,
Nagercoil.

*I ADM Court, Nagercoil.
Draft/Fair Order in
E.A.No. 12/2023 in E.A.No.11/2022
E.P.No.2/2018 in O.S.No.8/2011
Date: 21.06.2024.*