

**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 24th day of June, 2026.

I.A.Nos.14 of 2026 & 15 of 2026

in

O.S. No. 115 of 2015

CNR No.TNKK04-000154-2015

C. Kannan

... Petitioner / Plaintiff

-vs-

1. The State of Tamil Nadu
rep. by its District Collector,
Nagercoil.
2. The Tahsildar,
Agasteeswaram Taluk,
Nagercoil.
3. The Village Administrative Officer,
Kottaram

... Respondents / Defendants

These Petitions came up before this Court on 17.06.2026 for a final hearing in the presence of Mr. M. Parameswaran, learned Counsel for the Petitioner / Plaintiff and Mr. C. Johnson, Government Pleader for the Respondents / Defendants 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**Prayer in I.A.No.14 of 2026:**

The petitioner has filed the above petition under Order VII Rule 14 (3) and Section 151 of the Code of Civil Procedure, seeking to pass an order to receive the petition mentioned documents and permit the petitioner / plaintiff to mark the documents as exhibits on the side of the petitioner / plaintiff in the suit.

Prayer in I.A.No.15 of 2026:

The petitioner has filed the above petition under Order XVIII Rule 17 and Section 151 of the Code of Civil Procedure, seeking to recall the PW1 for marking of documents in the suit.

2) Gist of Averments in the Petitioner's Petitions:

The petitioner is the plaintiff in the suit and has instituted the present suit seeking a declaration of title and consequential permanent injunction against the respondents/defendants. The petitioner submits that when the suit was posted for further evidence on the side of the plaintiff on 24.03.2026, it became necessary to file the present petition seeking recall of PW1 for the purpose of marking certain material documents.

3. According to the petitioner, a legal notice had earlier been issued to the 3rd defendant through registered post. However, the said notice was returned

as the 3rd defendant had refused to receive the same, allegedly owing to previous enmity between the petitioner and the 3rd defendant. The petitioner further states that the records relating to the said notice had been misplaced and could not be produced at the appropriate stage. It is contended that the said documents have now been traced out.

4. The petitioner further submits that certain other material documents, namely photographs depicting the physical features and possession of the suit schedule property, house tax receipts, and water tax receipts, had also been misplaced earlier and have only recently been traced. According to the petitioner, these documents are vital and relevant for establishing the plaintiff's claim and for effectively proving the case before the court.

5. The petitioner contends that the delay in producing the aforesaid documents is neither deliberate nor wilful, but occurred solely due to their inadvertent misplacement. It is therefore prayed that PW1 be recalled and that the petition-mentioned documents be received and marked as exhibits on the side of the plaintiff, as their production is necessary for the just adjudication of the issues involved in the suit. Hence, the petitioner seeks allowing of these petitions.

6. **Gist of Averments in the Respondents Counters:**

The respondents/defendants contend that the present petition filed by the plaintiff seeking recall of PW1 and reception of additional documents is not maintainable either in law or on facts. According to the respondents, the documents sought to be received at this stage of the proceedings are neither relevant nor necessary for the effective adjudication of the issues involved in the suit. It is further contended that the petitioner has failed to establish any sufficient or valid ground warranting the exercise of the discretionary jurisdiction of this court for receiving such documents after the commencement of evidence.

7. The respondents specifically deny the averments contained in the affidavit filed in support of the petition and submit that the reasons assigned therein are incorrect and untenable. According to the respondents, the petitioner has not shown any bona fide cause for the belated production of the documents and the explanation offered is unacceptable.

8. It is further contended that the present application has been filed only with an intention to prolong the proceedings and to harass the respondents by causing unnecessary delay in the disposal of the suit. Therefore, the respondents pray that these petitions be dismissed exemplary costs.

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

10) Heard both sides. Record perused.

This court has carefully considered the rival submissions and perused the materials available on record. The petitioner seeks permission to recall PW1 and mark certain additional documents, namely, property tax receipts relating to House Building No.1/134-7 bearing Assessment No.ST-3-6, six property tax receipts, five water tax receipts pertaining to the said building, one returned legal notice sent through RPAD along with the acknowledgment card addressed to the Village Administrative Officer, Kottaram, two photographs depicting the plaintiff's property and the property of another beneficiary together with the corresponding CD, and a certificate issued by the photographer.

11. The petitioner has explained that the aforesaid documents could not be produced at the appropriate stage as they had been misplaced earlier and were traced only recently. Having regard to the nature of the documents and their relevance to the issues involved in the suit, this court is of the view that their reception would assist in effectively adjudicating the dispute and in enabling the petitioner / plaintiff to substantiate his case. In the interest of justice and for a fair and complete adjudication of the suit, this court is inclined to allow these petitions. However, considering the belated production of the documents, these petitions are allowed subject to the conditional costs.

As the result,

I.A. No. 14 of 2026:

This petition is allowed, on the condition that the petitioner shall pay a sum of Rs.300/- (Rupees Three Hundred only) to the Mediation and Conciliation Centre, Kanniyakumari at Nagercoil on or before 01.07.2026, otherwise, this petition would be dismissed. Call on 01.07.2026.

I.A. No. 15 of 2026:

This petition is allowed, on the condition that the petitioner shall pay a sum of Rs.300/- (Rupees Three Hundred only) to the Mediation and Conciliation Centre, Kanniyakumari at Nagercoil on or before 01.07.2026, otherwise, this petition would be dismissed. Call on 01.07.2026.

The Order directly dictated to steno-typist typed in computer, and after making necessary corrections, and pronounced by me in the open court, this the 24th day of June 2026.

II Additional District Munsif
Nagercoil.

Petitioner side witness & Documents : Nil

Respondents side witness & Documents : Nil

II Additional District Munsif
Nagercoil.

I.A. Nos.14, 15 of 2026
in
O.S. No.115 of 2015
Fair Order
Date: 24.06.2026.
II ADM Court, Nagercoil.