

**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 27th day of October, 2025.

I.A. No.12 of 2025 in O.S.No.133 of 2019

CNR No.TNKK04-000200-2019

Athiappan

... Petitioner / 8th defendant

-vs-

1. Balan
2. Muniswamy
3. Lingeshwari
4. Athithan
5. Periaswamy
6. Ananthammal
7. Indira
8. Arul Anand
9. Rajkumar
10. Ponnuswamy (died)
11. Rajadurai
12. Selvaraj
13. Muthammal
14. Thankasivan
15. Sreedharan
16. Gangawathy
17. Thamizharasi
- Addl.18. Panneerselvam
- Addl.19. Thangapadma
- Addl.20. Thangakumar

Addl.21. Thangajothi

Addl.22. Thanganathan

Addl.23. Thangakani

Addl.24. Thangamathavi

Addl.25. Thangalalitha

(Impleaded as per order in I.A.No.6/2023
dated 21.07.2023 and amended as per order
in I.A.No.9 of 2023 dated 18.08.2025)

... Respondents/Plaintiffs 1 to 16 /
1 to 7 & 9, 10 defendants

This petition came before this court on 24.10.2025 for a final hearing in the presence of Mr. C. Ashok Kumar, learned Counsel for the petitioner / 8th defendant and 1st and 9th Respondents and Mr. R. Ravindran, learned counsel for the 11th to 25th Respondents and 10th Respondent is died and upon hearing both sides, perusing the case records, and having stood over for consideration till this day, this court hereby delivers the following:

ORDER

The Petitioner had filed under Order VIII Rule 1A (3) and Section 151 of the Code of Civil Procedure, seeking to receive the documents mentioned below in evidence and mark the same.

2. Gist of Averments in the Petitioner Petition :

The Petitioner herein and the 8th defendant in this suit and the deponent herein. The plaintiff have filed this suit for Prohibitory Permanent injunction restraining the defendants and other reliefs. The above suit stands posted today for evidence of defendants. In order to prove the case, petitioner have to produce the below mentioned documents and in order to prove the truth and real fact before this court. It is humbly submitted, at the time of written statement, petitioner has not able to file the documents before this court. In order to prove petitioner's case, the said document has to be produced. The non-filing of the documents at the time of written statement is neither wilful nor wanton. Now the documents are produced herewith. If the document are not accepted, petitioner will be put into irreparable loss and damage which cannot be compensated later in any manner. Hence, the petition is to be allowed.

3. Gist of Averments in the 11th Respondent's Counter:

The counter filed by the 11th Respondent and adopted by the 10th and 12th to 25th Respondents.

4. At the outset the petition is not maintainable either in law or on facts. The petition is frivolous and vexatious one. The suit was filed by plaintiffs for permanent injunction restraining the defendants. The documents annexed in the petition are not connected with the case. Those documents are

false and foisted. Hence, they may not be accepted by this court. Furthermore the disputes relating to these documents have not been raised in the pleadings of their written statement. If these documents were relevant to the case, the petitioner ought to have filed them at the time of submitting the written statement. It is, clearly proved that those documents are neither relevant nor admissible in this matter.

5. Further, it is submitted that the petitioner has not stated in the affidavit why the documents were not produced earlier, nor have they clarified the necessity of producing these documents at this stage. The documents were submitted only after close the evidence of the plaintiffs' side. It is clearly indicated that petitioner's intention is to harass the plaintiffs and evade the due process of law. There is no merit in the petition. The petition is liable to be dismissed with cost.

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

7. Point:

Heard both sides. Records perused. This suit is for Permanent injunction. This petition has been filed by the petitioner / 8th defendant when the suit posted for DW1 Chief continuation in order to receive the documents. The documents sought to be received seems to be necessary in order to vindicate the case of the

defendant to accept the documents at this juncture. Hence, this court is of the considered view that the petition if allowed will cause no prejudice to the respondents side. In the light of above facts, this court is inclined to allow this petition.

In the result, This petition is allowed. No cost.

Dictated to the steno-typist, typed by her in the Computer directly, printed, corrected and pronounced by me in open court this the 27th day of October, 2025.

II Additional District Munsif
Nagercoil.

List of witness and documents for Petitioner side : Nil

List of witness and documents for Respondents side : Nil

II Additional District Munsif
Nagercoil.

*II ADM, Nagercoil.
Draft/Fair Order
I.A.No.12/2025 in
O.S.No.133/2019
Date: 27.10.2025.*