

In the Court of the II Additional District Munsiff, Nagercoil

**Present: Thiru.R.Sundara Kamesh Marthandan, M.L.,
II Additional District Munsif, Nagercoil**

Tuesday, on this the 2nd day of July 2024

I.A. No.10 of 2024

in

Original Suit No. 133 of 2019

1. Ponnuswamy(Died)

2. Rajadurai

3.Selvaraj

4. Muthammal

5.Thankasivan

6.Sreedharan

7.Gangawathy

8.Thamizharasi

9.Addl.Paneer Selvam

10.Addl.Thangapadma

11.Addl.Thangakumar

12.Addl.Thangajothi

13.Addl.Thanganathan

14.Addl.Thangakani

15.Addl.Thangamathavi

16.Addl.Thangalalitha

(Impleaded as per Order in I.A. No.6 /2023 on 21.07.2023

.... Petitioners/Plaintiffs

-vs-

1. Balan

2. Muniyaswamy

3. Maheswari
4. Athithan
5. Periaswamy
6. Ananthammai
7. Indira
8. Athiappan
9. Arul Anand
10. Rajkumar

.. Respondents/Defendants

This Petition came up before this Court on 14.06.2024, in the presence of Thiru. R. Ravindran Advocate for the Petitioners and Thiru. C. Ashok Kumar Advocate for the Respondents and upon hearing both sides arguments and upon perusing the case records and having stood over for consideration till this day, this Court delivers the following:

ORDER

1. The Petitioner had filed the above Petition under Order VII Rule 14 and Section 151 CPC., seeking an Order to receive the Petition schedule documents.

2. The Petitioner had stated that the case is posted on 23.03.2024, for further evidence on Plaintiff side and that the Petitioner/10th Additional Plaintiff has to be examined as further evidence on Plaintiff side. In order to prove the Plaintiffs' case, the Petition schedule documents have to be exhibited before this Court. The Petitioner had also stated about an incident happened on 19.04.2022.

3. The 1st Respondent had filed counter and the same has been adopted by respondents 2 to 10. The respondents claimed that the Petitioners have no right

over the temple i.e. to perform pooja. The respondents denied the alleged incident dated 19.04.2022. The Petitioners' family members are working in Police Department. Taking advantage of the same, they have foisted several cases against the respondents and their family members. The Petitioners have not stated any reason for not producing the Petition schedule documents, at the earlier point of time. There is no Pleading regarding those documents. Those documents are not relevant in order to decide the issue pending before this Court. There is no merit in the above Petition. Hence the respondent prayed for dismissal of the above Petition.

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

5. On perusal of the Plaint, originally the suit was filed by one Ponnuswamy and eight others, during the year 2019. Subsequently, by filing I.A.No. 6 of 2023, upon the demise of the 1st Plaintiff Ponnuswamy. the additional Plaintiffs 9 to 16 were impleaded. The Petitioner/10th Additional Plaintiff was not party to the suit, while the above suit has been filed. Later he got impleaded as the legal representative of the deceased 1st Plaintiff. Further he had also pleaded as to an incident stated to have occurred subsequent to the filing of the above suit. i.e., on 19.04.2022. The Respondents have denied about the alleged incident dated 19.04.2022. The same is not germane for adjudicating the above Interlocutory Application. The Petition schedule documents are subsequent to the filing of the suit. As such, there is no possibility for those documents to be

with the Petitioners at the time of filing of the above suit. With regard to the objections made by the respondents regarding relevancy, the same could be considered at later point of time i.e. while marking those documents or while adjudicating the main suit. Hence this Court is of the considered view, that the Petition schedule documents could be received subject to proof and relevancy.

6. In the result, the above Petition is allowed. The Petition schedule documents are received subject to proof and relevancy. No cost.

Dictated to the Steno typist, transcribed and typed by her, in Computer corrected and pronounced by me in Open Court this, the 2nd day of July, 2024.

Sd/- R.Sundara Kamesh Marthandan
II Additional District Munsif
Nagercoil.

Petitioner side witness & Documents : Nil

Respondents side witness & Documents : Nil

Sd/- R.Sundara Kamesh Marthandan
II Additional District Munsif
Nagercoil.