

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

Present : Tmt. K. Chithra, B.A.,B.L., (Hons)

I Additional District Munsif (FAC), Nagercoil

Friday, on the 7th day of November, 2025.

I.A. No. 8 of 2025 in O.S. No. 168 of 2021

Yesunesam

... Petitioner/ Plaintiff

-vs-

1. Jacob Edwin,
2. The District Collector,
Kanyakumari District,
3. The Block Development Officer,
Agastheeswaram Union,
Kanyakumari District,

... Respondents/Defendants

This petition is came up before this Court on 27.10.2025 in the presence of Advocate Mrs.G. Velam, for the Petitioner/ Plaintiff and Advocate Mr.M. Nelson Babu for the 1st Respondent, and Mr.C.Johnson, Government Pleader for the 2nd , 3rd Respondents and upon perusing the case records and having stood over for consideration till this day, this Court delivers the following:

ORDER

1. This petition was filed under Order XVIII Rule 17 Code of Civil Procedure and Section 151 Code of Civil Procedure, by the petitioner / Plaintiff, to recall the PW1 to Mark a Pen Drive document on plaintiff side evidence.

2. FACT OF PETITION:

The petitioner is the plaintiff in O.S.No.168/2021 and he filed this petition to receive the document – Pen drive containing the voice recording of the sound created by the defendant's saw Mill as electronic evidence to prove the case. The plaintiff filed suit for permanent injunction restraining the 1st respondent from running the saw Mill business at the adjacent land of petitioner house. The plaintiff has examined as PW1 and the case was posted for plaintiff side further evidence. Thus this petition was filed.

3. COUNTER OF RESPONDENT:

The allegation in the petition except those that are specifically dealt with shall be hereby denied as false. This petition is frivolous , ill minded and filed to fill up the lacuna. The 1st respondent is not running saw mill . He is a carpenter the document produced along with petition are in admissible in evidence. It is a cooked up one . It is reliably understood that the plaintiff has recorded the sound produced by a saw mill and falsely alleged that it was noise produced by 1st respondent. The pen drive has to be sent to the forensic experts to find out genuineness. There was no pleading in the plaint regarding pen drive . Thus he prayed to dismiss the petition with compensatory cost.

4. POINT TO DETERMINE:

Whether this petition is to be allowed or not ?

Record perused heard both side enquiry.

5.REASON FOR DETERMINATION:

5.1. On perusal of record listed document in this petition is a pen drive . The said pen drive was filed without complying part 'A' and 'B' Certificate as directed in Bharathiya Sakshya Athinayam. The petition affidavit did not contain the particulars regarding the noise regarding in pen drive was recorded by whom at which date and time and at which place? Without basic averments the pen drive is considered as in admissible in evidence. On perusal of records the plaintiff has already produced a CD containing such nuisance created by respondents hence this pen drive is consider to a repeated one.

5.2. The petitioner did not state any ground or reason for production of pen drive without any certificate laid under law thus this court did not any merits in allowing this petition.

6. In fine this petition is dismissed with Cost of 1st to 3rd Respondents.

Dictated to the Steno-Typist, and typed by her directly in the Computer, corrected and pronounced by me, in open court this, the 7th day of November, 2025.

I Additional District Munsif (FAC)
Nagercoil

Petitioner side witnesses and documents : Nil.

Respondent side witnesses and documents : Nil.

I Additional District Munsif (FAC)
Nagercoil.

Fair/ Draft Order
I.A.No.8of 2025 in
O.S.No.168 of 2021
Date: 07.11.2025.
IADM, Nagercoil.