

In the Court of the II Additional District Munsif, Nagercoil

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

Monday, on this 10th day of June 2024

I.A. No.6 of 2024
in
I.A. No.3 of 2022
in
Original Suit No. 206 of 2022

Arulmigu Dharma Vinayagar Devasthanam
Ethamozhi Vellalar Samuthalyam and rep.
by its President, M.Chidambaram @ ManikandanPetitioner/Defendant

-vs-

S.Sorimuthu Respondent/Plaintiff

These Petitions came up today i.e. 10.06.2024 in the presence of Thiru. M.Padmasanan Advocate for the Petitioner and Thiru. A.Raveendran Advocate for the Respondent and upon perusing the case records, this Court delivers the following:

ORDER

1. The Petitioner had filed the above petition under Order VIII Rule 3 and Section 151 CPC seeking to receive the Petition schedule documents.
2. The Petitioner had stated that the Petitioner is producing those documents to prove their case since they are material documents. Hence the above petition.
3. The Respondent had filed counter stating that the documents are frivolous one and fabricated for the purpose of defeating the claim of the Plaintiff. They are created, after filing the suit by influencing the Village Panchayath President.

Subsequent to the decree the Defendant Trust had passed a resolution to the effect that the property should be sold to the person, who are in possession of the Trust property. As such the Plaintiff family members are residing therein and they are entitled to get the property in their favour, according to the resolution passed by the Defendant Trust. They had filed FIR influencing the Police even when the Plaintiff is in possession and enjoyment of the Plaintiff schedule property, at the instigation of the Defendant Trust, by influencing the police officials. Crime No. 122 of 2022 was foisted against the Plaintiff.

4. Taking advantage of the absence of the Plaintiff and family members in the house, the trust people with the help of the police removed the lock in the Plaintiff schedule property house and dumped some water materials, inside, along with the Plaintiff household articles cloth, and other materials. The Plaintiff filed anticipatory application seeking an order of police protection. That is yet to be numbered. After filing the police protection they are taking hectic steps to vacate injunction and filed frivolous documents to show that they are in possession. The legal possession and the physical possession is with the Plaintiff. Hence the Respondent prayed for dismissal of the above petition.

5. The Point for Consideration is whether the above petition has to be allowed or not?

6. The suit is in stage of interim applications pending. Issues are not framed and Trial has not commenced. Hence this Court is of the considered view that the Plaintiff schedule documents could be received subject to proof and relevancy.

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

Dictated to the Steno-Typist transcribed and typed by her in computer and corrected and pronounced by me in Open Court, this the 10th day of June, 2024.

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

Petitioner side witness and document :- Nil.

Respondent side witness and document :- Nil

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

I.A.No.6 of 2024 in
I.A.No.3 of 2022 in
O.S.No.206 of 2022
Fair Order
Date : 10.06.2024.