

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

Present : Tmt. M.Alima, B.A., L.L.M.,
II Additional District Munsif, Nagercoil.(FAC)

Monday, on the 21st day of October, 2024.

I.A. No. 8 of 2024 in O.S. No. 92 of 2011

Sundarlingam ... Petitioner / Plaintiff

-vs-

1. Rajavel

2. The Commissioner,

Nagercoil Municipal Corporation ... Respondents / Defendants/
Proposed party

This petition came before this court on 15.10.2024 for a final hearing in the presence of Mr. K.Subhakaravel learned Counsel for the Petitioner / Plaintiff and Mr. A. Samuel Edwin, learned counsel for the 2nd Respondent / 2nd Defendant and 1st Respondent/1st defendant exparte in suit, 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 the above Petition under Order VII Rule 14 and Section 151 Code of Civil Procedure, seeking to pass an order to receive the document.

1) Gist of Averments in the Petitioner Petitions :

The petitioner had stated that the plaintiff had filed this suit for seeking for declaration of title over the plaint 'A' schedule property and for injunction restraining the defendants from disturbing the plaint 'A' schedule property and from encroaching the 'A' schedule property and annex the same with the plaint 'B' schedule property and putting up tar. The petitioner had allotted the plaint 'A' schedule property through the partition effected among petitioner and his brother and father on 16.01.1976 through the Edalakudy sub-registry as document No.20/76. The petitioner had right from the date of partition he entered into the plaint 'A' schedule property exclusively which has an extent of 13 cents. The petitioner that the old revenue records are showing the extent of the plaint 'A' schedule of property is 13 cents. Hence in order to vindicate this case he want to produce the copy of the SLR before this court. Petitioner have got the documents very recently. Hence he was not able to produce the document either along with plaint are chief affidavit. Hence the petitioner prayed this court to receive the documents in the interest of justice. Hence, the petition is to be allowed.

2) Gist of Averments in the 2nd Respondent Counter:

The respondent stated that, all the allegations and averments in the affidavit in support of the petition to receive the documents save those which are specifically admitted hereunder shall be deemed to be denied as false. The averments in the 2nd paragraph of the affidavit is not disputed. The averments in the 3rd paragraph of the affidavit is in no way related to the plaintiff's case. The averments in the 4th and 5th

paragraphs of the affidavit are not correct. It is submitted that the old revenue records are not applicable after resurvey operations were finalised long back, and hence the copy of SLR is not entertainable in this case at this stage. The averments in the 6th paragraph of the affidavit is not correct. The petition is not maintainable in law and on facts. There is no merit in the petition and the petition is filed at the belated stage only for the purpose of delay the proceedings. Hence, the respondent pray that to accept this counter and dismiss the petitions with costs and render justice.

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

4) Point:

Heard both sides. Records perused. This petition has been filed by the petitioner, while the original case has been adjourned for PW1 chief continuation. Although the Petitioner/Plaintiff has not given proper reasons for not filing the document promptly, this court considers that the documents filed with the petitioner's petition are necessary to decide the original case and to give the petitioner sufficient opportunity to prove the case. Hence, this court inclined to allow this petition .

5) As a result,

This petition is allowed, subject to the proof and relevance of the said document without cost.

Dictated to the Typist, and typed by her directly in the Computer, corrected and pronounced by me, in open court this, the 21st day of October, 2024.

II Additional District Munsif(FAC)
Nagercoil.

Petitioner side witnesses and documents : Nil.

Respondent side witnesses and documents : Nil.

II Additional District Munsif (FAC)
Nagercoil.

Fair/ Draft common Order
I.A.No.8 of 2024
in
O.S.No. 92 of 2011
Date: 21.10.2024.

I.A. No. 8 of 2024 in O.S.92 of 2011:

Order Pronounced:

Dated: 21.10.2024

As a result,

This petition is allowed, subject to the proof and relevance of the said document without cost.

II ADM (FAC)

