

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

Present : Selvi. V. Sivaranjani, B.A., L.L.B.,

II Additional District Munsif, Nagercoil

Friday, on the 13th day of February, 2026.

I.A. No.14 of 2026 in O.S.No.196 of 2011

CNR No.TNKK04-000551-2011

Muthammal

.... Petitioner / Plaintiff

-vs-

1. Rajappan
2. Nambi @ Nambiraja
3. Ganesan
4. Chidambaram
5. Krishnaveni
6. Mangalamoorthy
7. Kalaivani
8. Muthuswamy @ Gunasekaran (died)
9. Lekshmanan @ Ravichand
10. Asokan
11. Chenthil
12. Nagarajan
13. Ramadhas @ Babu
14. Arunachalam @ Reghu
15. Lekshmi
16. Revathi
17. Mariyammal

18.Maharajan

11. Chithra Respondents / defendants

This petition came before this court on 07.02.2026 for a final hearing in the presence of Mr. A. Sahaya Arasu, learned counsel for the petitioner / Plaintiff and Mr. N.S. Arumughavel, learned counsel for the 1st, 3rd to 7th and 9th to 17th and 19th Respondents and 18th respondent, called absent, set exparte in the suit and 2nd and 8th respondents were 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 the above petition under Order VII Rule 14(2) and Section 151 of the Code of Civil Procedure, seeking to receive the documents in evidence on the side of the plaintiff.

2. Gist of Averments in the Petitioner's Petition :

The petitioner is the plaintiff in this suit. Petitioner was examined as PW1 and one John Kennedy was examined as PW2. On 11.10.2025 he filed the proof affidavit along with some documents such as Power of attorney executed by the plaintiff in favour of one John Kennady dated 25.09.2025. Encumbrance certificate for the plaint schedule property, Extract from town survey land register issued by Settlement Tahsildar, Agastheeswaram Taluk, Kanniyakumari District,

3. The plaintiff now received those records and produced herewith. Those records are very relevant to prove petitioner's case. If the records are not accepted in evidence, petitioner will be put to irreparable loss and damages. Hence, this petition is to be allowed.

4) Gist of Averments in the 1, 4, 9, 10 to 15 and 17 to 19th

Respondents Counter:

All the averments in the affidavit filed in support of the petition except those that are specifically admitted or otherwise dealt with shall be deemed to have been denied.

5. The averments in paragraph 2 of the affidavit in support of the petition are denied as follows: One John Kennady, PW2, was not fully examined. He filed proof affidavit along with some irrelevant documents not connected with him and tried to mark them through PW2, who is not a competent person to mark the documents. He is neither an author of the documents nor a lawful custodian of the documents. The present PW2 already filed I.A.No.12/2025 along with the power of attorney and tried to conduct the case. That interim application was dismissed by this court and hence he filed CRP before the Hon'ble High Court, which was also dismissed. Now he has filed a Power of Attorney created after trial, an encumbrance certificate and an extract from town survey land register. All the documents are obtained after

trial, ie, after the conclusion of PW1 cross-examination. Those documents could not be marked through PW2 and hence some portions of the deposition in the proof affidavit of PW2 pertaining to those documents are irrelevant and against law.

6. It is stated in the affidavit that, “the plaintiff now received those records and produced herewith.” It is not stated by the petitioner from whom she received those documents, whereas when the documents are already filed by PW2 before this court. There is no explanation on the part of the petitioner. The documents the petitioner is trying to submit before this court are not relevant and the authenticity is under questioned.

7. Further, the petitioner has failed to state through whom those documents are to be marked. The petitioner did not file re-open petition to reopen her evidence already closed. Therefore, this petition is not maintainable by law. The petitioner could not mark those documents either through her or through PW2. The petition is devoid of merits. No irreparable loss or damage will be caused to the petitioner in dismissing the application. Hence, to accept the counters and dismissed the petitions.

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

9. Point:

Heard both sides. Records perused. The petitioner is the plaintiff in the suit filed for Permanent injunction. The petitioner was examined as PW1 and John Kennady was examined as PW2 by filing proof affidavit on 25.09.2025. Along with the proof affidavit the petitioner filed this petition stating having received power of attorney, encumbrance certificate for the plaint schedule property and extract from Town Survey Land Register issued by Tahsildar, Agasteeswaram Taluk, Kanyakumari District and are relevant. Hence, to be received on the plaintiff's side.

10. The respondents have argued that those are irrelevant documents cannot be marked through PW2 since he is neither an author of the documents nor a lawful custodian. Further, already filed I.A.No.12 of 2025 by PW2 to accept the Power of Attorney dismissed and CRP. Petition filed before Hon'ble Madurai Bench of Madras High Court have also dismissed. Now the petitioner seeking to file the power of attorney and two other documents all created after trial.

11. On perusal of C.R.P (PD) (MD) No. 1825 of 2025 against I.A.No.12/2025, it was dismissed with direction to file a fresh interlocutory application by producing the registered Power of attorney and also permits the petitioner to produce the legal heir certificate. In view of the above order, in

order to accept and hold PW2 as a power of attorney, the petitioner / plaintiff has to file petitioner Under Order III Rule 2. Without filing application under Order III Rule 2, the power of attorney sought to be received can only be received to be a part of record. With respect to other two documents, since both seems to be necessary public documents in order to vindicate the case of the plaintiff, this court is of the considered view that all the three documents to be received subject to relevancy and admissibility. In the light of above facts, this court is inclined to allow this petition.

As a 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 13th day of February, 2026.

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.14/2026 in
O.S.No.196/2011
Date: 13.02.2026.*