

**IN THE COURT OF PRINCIPAL DISTRICT MUNSIF AT
KANCHEEPURAM**

PRESENT: TMT.R. Rajeswari,B.Com.,L.L.M.,

Principal District Munsif, Kancheepuram.

On Thursday, this the 6th day of March 2025

IA.No. 04/2023

in

O.S.No.357/2010

1. C. Sankar (died)
 2. S. Selvi
 3. Kodimalar
- (Amended as per order in memo dated 19.12.2024)

... Petitioners/defendants

/Versus/

1. K. Karunakaran (died)
 2. D. Chandanbala
 3. K. Rukmani
 4. Dhowthri
- (Amended as per order in memo dated 19.12.2024)

.... Respondents/Plaintiffs

This petition has come up on 05.02.2025 before me for final hearing in the presence of Mr.K.Varathan, advocates for the petitioners 1 to 3 and Mr. M. Madhanagopal, advocate for the respondents 1 to 4. Upon hearing the arguments and upon perusing the connected material records and having stood over till this day for consideration, this Court delivers the following:-

ORDER

1. The petition is filed U/Or. 8 Rule. 1 (A) (3) and sec, 151 CPC to permit him to filing the documents along with the petition thereby receive and mark the same on his side and render justice.

2. The Brief facts in the 1st petitioner is as follows:-

The petitioner submit that in the above case, the 1st respondent Karunakaran filed a proof affidavit along with 22 documents. When the above case was posted for Petitioners/defendants cross examination, pending suit, he sold the property to the 2nd plaintiff on 24.08.2016. By which the 2nd plaintiff filed a petition to implead her as party in I.A No. 634 of 2017 allowed on 24.04.2017 by which plaint is amended. Petitioners/defendants. Thereafter the Trial is in progress and 1st plaintiff is examined as P.W1. Thereafter without examining the 2nd plaintiff. The plaintiffs have closed their evidence and the above matter in posted for his side evidence.

3. The petitioner submit that he have filed a proof affidavit herewith for hisself and his wife 2nd defendant. Even though he have mentioned all the documents regarding his defense in the written statement and his possession is also admitted by PW 1 in his oral evidence at the time of cross examination and also in the Plaint and injunction filed in O.S. No. 429 of 2010 on the file of this Court. Even though, he have made a mention in his written statement showing his possession with a plan attached to his written statement with his pleadings that in possession of 30 feet x 80 feet is in his father's possession from 1970. Onwards Later on his death the possession is with his brother Paneerselvam. On the death of his brother Paneerselvam, he was continuing the cool drinks business under the name and style Rajesh Cool drinks at D.No.7 Sriperumbudur Kancheepuram Road. Since the documents mentioned in his written statement is not filed along with the list of

documents to the written statement, he was filed this petition. Hence this petition.

4. **Brief averments in the counter filed by the 2nd respondent /2nd plaintiff as follows:-**

This respondent/plaintiff submits that the relevancy of the documents which were filed in the list of documents by the petitioner are to be proved by the petitioners/defendants

5. The respondent /plaintiff submits that documents Nos.1 to 10 do not bear the door number and the same documents cannot be received and marked in the above case. The document No. 11 is under the challenge by the respondents/ plaintiffs and the same cannot be received and marked in the above case. Hence, the petition is liable to be dismissed.

6. **Point for determination:-**

Whether the petitioners are entitled to the relief as claimed by them or not?

7. **The point:**

Heard both sides and perused the records.

8. The petitioners/defendants filed this petition under Order 8 Rule1A (3) & Section 151 of CPC.

9. In other hand, the respondents/plaintiffs objected to mark the above documents. Any documents can be received in evidence. Its admissibility is to be decided at the time of judgment. Hence these documents can be received subject to proof and relevancy. Hence, in view of that the petition is allowed.

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

Dictated to the steno-typist, who directly typed in computer. Pronounced by me in open court, this the 6th day of March 2025.

(S/d.R.Rajeswari)
**Principal District Munsif,
Kancheepuram**

List of Petitioners & Respondents side documents :NIL

(S/d.R.Rajeswari)
**Principal District Munsif,
Kancheepuram**