

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

PRESENT: TMT.R. Rajeswari,B.Com.,L.L.M.,
Principal District Munsif, Kanchipuram

On Monday, this the 4th day of September 2023

IA.No. 5 of 2023

In

O.S.No. 103 of 2023

1. Subash @ Balaji
S/o. Balasubramani @ Sekar
2. Mohankumar
S/o. Balasubramani @ Sekar
...Petitioners/Plaintiffs
/Versus/

1. Ponmozhi
W/o. Late. Varathan
2. Yuvaraj
S/o. Mohan
...Respondents/Defendants

This petition has come up on this day for final hearing before me in the presence of M/s. S. Dilli Babu and Duraivel, advocates for the petitioners and Thiru. D. Elango, advocates for the 1 and 2 respondents and upon perusing the connected material records and having stood over till this day for consideration, this court delivers the following:

ORDER

1. This petition is filed under Order 7 Rule 14 (3) of CPC to permit the petitioners/plaintiff to file the additional document and the same may be received by this Court.

2. The case of the petitioners as stated in his affidavit is as follows:-

The petitioner submitted that in the above suit filed by us for declaration and permanent injunction against the 1st and 2nd defendants. Since, at the time of presentation of plaint the petitioners unable to file the CSR copy issued by the Inspector of Police, Siva Kanchee Police station regarding the police compliant by us against the 2nd respondent/defendant due to oversight and the document mixed with other papers and subsequent to this present suit the 3rd defendant issued notice to us for enquiry regarding the prohibition petition filed by us with subject matter of this suit property and the same already presented before this Court on 14.08.2023. Hence, the both documents are vital to prove our case, hence the petitioners have filed this present application for receive the documents on the side of plaintiffs. If this petition was allowed there is no prejudice to the respondents otherwise it will put hardship to this petitions/plaintiffs. Hence this petition.

3. The 1st respondent filed his counter and the gist of the same is as follows:-

The respondent denies the allegations contained in the affidavit that the petitioners unable to file CSR Copy issued by the Siva Kanchee police station against this respondent due to oversight and further third defendant issued notice to then for enquiry and both are vital documents and those are filed. The respondent submits that the petitioners have filed C.S.R No.983 of 2023 on the file of Siva Kanchee Police station and that document not relating to this present

suit property and the petitioners have included the name of this respondent's name in the said C.S.R. and so, that document cannot be considered by the Court in view of not genuine document and further that document is not connected with the suit property and further the above said C.S.R is not interlinked with this second respondent.

4. Further the second document which is filed by the petitioners is also not issued to this respondent and that document is not also not necessary in this case and only in order to confuse the minds of this Court the said documents were filed. Hence, in the interest of justice, the said petition is to be dismissed. The respondent submits that there is no merits or bonafides in filing the petition against this respondent. Hence this petition may be dismissed.
5. The point for consideration arises in this petition is whether there are valid reasons to allow this petition or not ?

The Point:

6. The Learned Counsel for the Petitioner has argued that the petitioner submitted that in the above suit filed by us for declaration and permanent injunction against the 1st and 2nd defendants. Since, at the time of presentation of plaint the petitioners unable to file the CSR copy issued by the Inspector of Police, Siva Kanchee Police station regarding the police compliant by us against the 2nd respondent/defendant due to over site and the document mixed with other papers and subsequent to this present suit the 3rd defendant issued notice to us for

enquiry regarding the prohibition petition filed by us with subject matter of this suit property and the same already presented before this Court on 14.08.2023. Hence, the both documents are vital to prove our case, hence the petitioners have filed this present application for receive the documents on the side of plaintiffs. If this petition was allowed there is no prejudice to the respondents otherwise it will put hardship to this petitions/plaintiffs. Hence, the petitioner counsel prayed to allow this petition.

7. The Learned Counsel for the Respondents has argued that the petitioners have filed C.S.R No.983 of 2023 on the file of Siva Kanchee Police station and that document not relating to this present suit property and the petitioners have included the name of this respondent's name in the said C.S.R. and so, that document cannot be considered by the Court in view of not genuine document and further that document is not connected with the suit property and further the above said C.S.R is not interlinked with this second respondent.
8. Further the second document which is filed by the petitioners is also not issued to this respondent and that document is also not necessary in this case and only in order to confuse the minds of this Court, the said documents were filed. Hence, in the interest of justice, the said petition is to be dismissed. The respondent submits that there is no merits or bonafides in filing the petition against this respondent. Hence the respondent counsel prayed to dismiss this petition.

9. Heard both sides and perused the records. This court has carefully perused the averments of affidavit, counter filed by the 1st respondent and entire case bundle. The original suit was filed by the plaintiffs for Declaration & Permanent injunction, now the case is posted for Petitioner/plaintiff side Argument in the I.A.No. 4/2023. In the mean time the petitioners/plaintiffs have come forward with this petition under Order 7 Rule 14(3) of CPC to file the additional documents. Any document can be received subject to proof and relevancy, the objections raised by other side must be noted and the validity of documents shall be decided at the time of judgment only. So in these circumstances this court is come to conclusion that there are valid reasons to allow this petition. The documents are ordered to mark subject to the objection of the defendants. The point is answered accordingly.
10. In the result, this petition is allowed. No costs.

Dictated to the steno-typist, who directly typed the same in my computer, corrected and pronounced by me in open court, this the 4th day of September 2023.

Sd/-R.Rajeswari
Principal District Munsif,
Kancheepuram.