

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

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

On Wednesday, this the 20th day of October 2021

IA.No. 5 of 2021
In
O.S.No. 205 of 2016

1. V.Murali
2. V.Kumar @ Krishna Kumar
3. V.Srinivasan
4. Tmt.S.Piyarijan ...Petitioners/Defendants

/Versus/

Arulmigu Sri Siddhi Vinayagar Temple,
Rep by its Trustees,

1. T.Sornalinga Achari
2. T.Vinayagam Achari
3. T.Chidambara Achari ...Respondents/Plaintiffs

This petition having coming up on 05.10.2021 for final hearing before me in the presence of Thiru.C.Yadhunandan, advocate for the 4th petitioner/defendant and 1 to 3 Petitioners/defendants called absent and set exparte and Thiru.R.Abdul Rashid,advocate for the respondents/plaintiffs and upon hearing the arguments of both sides 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 8 Rule 1(A) (3) and Section 151 of CPC to receive the documents to mark and to condone the delay for filing the same.

2. The case of the Petitioner/ 4th defendant as stated in his affidavit is as follows:-

The petitioner submitted that recently the documents are searched and the documents are very important to prove her case. If the petition is not allowed the petitioner will be put to much loss and hardship and which cannot be compensated in terms of anything. Hence this petition.

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

The respondent submitted that petitioner/defendant had filed xerox copies of plaint and written statement in O.S.No.870/1996 on the file of this Court, the trustees of the Sidhi Vinayagar Kovil were not parties to this suit in O.S.No.870/1996. The petitioner in her plaint in O.S.No.870/1996 has stated that the plaint schedule property is property of Sidhi Vinayagar Temple and the site belongs to the temple only, which is private in nature. The suit in O.S.No.744/1980 and A.S.No.7/1989 filed against this respondent/plaintiffs which was originally filed by the defendants in the suit in O.S.No.870/1996 was dismissed on 23.08.1988 and 20.09.2002 respectively. The petitioner/defendant had purchased super structure from one Mumtaj through a sale deed dated 24.02.1995 with extent of 200 sft only and the super structure defined is a thatched roof not a RCC building and the additional documents filed by the petitioner is not connected with this case. Hence this petition may be dismissed.

4. The point for consideration in this petition is whether this petition is to be allowed or not.

The Point:

5. Heard both sides and perused the records. The respondents/ Plaintiffs filed the suit against the defendants for recovery of possession, now the case is posted for DW's. In the mean time the petitioner/ 4th defendant has come forward with this petition under Order 8 Rule 1 (A)(3) of CPC to receive the documents. The petitioner/defendant had filed xerox copies of plaint and written statement in O.S.No.870/1996 on the file of this court. The petitioner did not explain, the reason for filing the xerox copies and so it cannot be considered on the part of this petitioner. There is no merits to allow this petition. Hence in the interest of justice this petition is dismissed.

6. In result, this petition is dismissed. No Costs.

Dictated to the steno-typist, who directly typed the same in her computer, corrected and pronounced by me in open court, this the 20th day of October 2021.

Sd/.R.Rajeswari
PRINCIPAL DISTRICT MUNSIF
KANCHEEPURAM