

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, KULITHALAI

Present : Selvi.A.Yughathymariya, B.Com, L.L.B.(Hons.,)

Additional District Munsif, Kulithalai.

Dated Tuesday, the 07th day of April 2026

I.A No.08/2026 in O.S No.190/2018

1) Arumugam

2) Subramani

3) Arukkani Ammal

...Petitioners/Plaintiffs

- Vs -

1) K.Uma Maheshwari

2) T.S.Kannan

3) The District Collector, Karur.

4) The Tahsildar, Kadavur.

...Respondents/Defendants

This petition has come up for final hearing on 18.03.2026 before this Court in the presence of Mr.D.Vinothkumar, the Learned Counsel appearing for the Petitioners and in the presence of Mr.V.G.Kamalesh, the Learned Counsel appearing for the Respondents No. 1 and 2 and in the presence of the Government Pleader Mr.K.S.M.Sakhul Hameed, the Learned Counsel appearing for the Respondents No. 3 and 4 and upon perusal of material records and having stood over for consideration till this day, this court delivers the following:

ORDER

This petition is filed under Order 7 Rule 14 (A) r/w section 151 of CPC by the Petitioners/Plaintiffs seeking permission of this Court to receive the

petition mentioned documents as additional documents on the side of the Plaintiffs in the above suit.

Brief averments in the affidavit:

2) The Petitioner is the 2nd Plaintiff in the above suit. This petition has been filed on behalf of other Petitioners/Plaintiffs. The suit property and other property to an extent of Acre 1.38 Cents in Tharagampatti, Keelapakuthi Village in S.F.No.426/1 has originally been belonged to one Sangan Pariyari and Chidhambaram pillai as their absolute property. The above fact can very well be ascertained by perusing the settlement register extract in respect of the same. The suit property had been given to the father of this petitioner namely Maruthai @ Chinnupillai by way of an oral settlement by the above said Sangan Pariyari and Chidhambaram Pillai by which the copy of the settlement register extract of the same had been given to the father of this Petitioner by them.

3) The above facts were left to be mentioned by the Petitioners in the proof affidavit filed by the Plaintiffs side witness by mistake. Moreover, after the demise of the above said Maruthai @ Chinnupillai the above said property was succeeded by Arukkani Ammal and had been in the possession and enjoyment of the said Arukkani Ammal. This being so, the housetax receipts and the electricity bills which were paid by the said Arukkani Ammal were omitted to be filed by the Petitioners in the above suit by mistake. Hence, in order to overcome in the above said mistake, by way of filing of this petition, the Petitioners are seeking the permission of this Court to adduce additional evidence regarding the same and by way of filing the additional documents stated above on the side of the Plaintiffs in the above suit. In the interest of justice, this petition is entitled to be allowed. Hence, this petition.

Brief averments in the counter filed by the Respondent No. 2 and adopted by the 1st Respondent:

4) All the allegations in the affidavit are denied as false, frivolous and vexatious. The Petitioners are put to strict proof of them. The written statement filed by the Respondents herein in the above suit may be read as part and parcel of this Counter. There are no merits in this petition and in the above suit. The allegations and averments made in the petition are neither sustainable in law nor on facts. The Petitioners are not entitled to any relief as prayed for.

5) All the documents which are demanded to be received by this Court by the Petitioners are all after suit documents which cannot be received and marked by this Court as they have no legal value. To that the judgment of the Hon'ble High Court of Madras in the year of 1988 has already been given to this Court. Even the settlement register copy filed by the Petitioners would show only certain pandithar's name and not the name of the Plaintiffs.

6) Furthermore, the Petitioners claimed the property not by way of documents from those pandithars but only by way of some oral instrument which is not legally tenable and also against law. All immovable property must be transferred only through registered instrument and not by any other means. Hence, this petition to receive the documents ought to be dismissed in limine with costs. Only to drag on the above case proceedings, the Petitioners are keeping on filing such applications with malafide intentions. The Petitioners had not properly explained as to why the petition mentioned documents were not filed along with plaint or with the proof affidavit of PW1 in the above suit.

7) This Court should not give leniency to these kind of petition. The docket sheet of this Court bundle will speak for itself regarding the attitude of the Petitioners. Moreover, lot of manipulations seems to have been occurred in

the house tax receipts filed by the Petitioners herein. On that ground, this petition has to be dismissed. The petition and affidavit are misleading the Court and it amounts to abuse of process of law. Hence, this petition is liable to be dismissed with costs.

8) The Learned Counsel for the Respondents No.3 and 4 had stated no counter for Respondents No. 3 and 4 and endorsed the same before this Court.

Ponit for consideration:

9) Whether this petition is entitled to be allowed or not?

Evidence:

10) There is no oral and documentary evidence adduced on either side.

Discussion:

11) Heard both sides. Perused records. Upon perusal of records, it is seen that the above suit has been filed by the Petitioners/Plaintiffs for the relief of Permanent Injunction in respect of the suit property against the Respondents/Defendants. It is also seen that in the above, suit on the side of the Plaintiffs, the 2nd Plaintiff was examined as PW1 and through him Ex.A1 to Ex.A7 were marked. The above case thereafter has been posted for chief continuation of PW1. Pending the stage, this petition seeking to receive the additional documents on the side of the Plaintiffs in the above suit has been filed by the Petitioners/Plaintiffs.

12) The major contentions that have been raised on the side of the Petitioners are that the suit property originally and absolutely belonged to one Sangan Pariyari and Chidhambaram pillai and the settlement register extract would also show the same. Further, the Petitioners contented that about 40

years ago, the above persons had orally settled the suit property in favour of the father of the 2nd Petitioner and after the demise of his father, the suit property had been given to the possession and enjoyment of Arukkani Ammal and houstax receipts and the electricity bills in respect of the suit property are all been paid in the said name of Arukkani Ammal. Therefore, in order to prove the case of the Plaintiffs, the Petitioners had sought this Court to receive the certified copy of the settlement register extract of the suit property and the house tax receipts and the electricity payment bills in respect of the suit property on the side of the Plaintiffs in the above suit.

13) Per contra, the major objections that have been raised on the side of the Respondents No.1 and 2 are that the petition mentioned documents are after suit documents which have no legal value and hence, the same should not be received in evidence. This apart, the Respondents No.1 and 2 further objected that the Petitioners have not given any proper explanations as to why the petition mentioned documents were not filed by the Petitioners at the time of filing of this suit along with the plaint or at the time of filing of proof affidavit of PW1. Therefore, the Respondents no.1 and 2 had sought to dismiss this petition on the above said grounds. In this regard, the learned counsel for the Respondents no.1 and 2 had also relied upon decision of the Hon'ble High Court of Madras in **Subramanian Vs. Subbulakshmi in A.S.No.57 of 1993 dated 06.11.2007 and the decision of the Hon'ble High Court of Madras in MAD Law Journal 1998 (1) 237 dated 13.11.1987.**

14) Upon careful consideration of the submissions made on both sides and upon perusal of records, it is seen that the petitioners/plaintiffs had filed the above suit for the relief of Permanent Injunction in respect of the suit property against the Respondents/Defendants. It is also seen that the Petitioners/Plaintiffs in the above suit had clearly stated in their pleadings filed before this Court that

the suit property originally belonged to one Sangam Pariyari and Chidhambaram Pillai and the same was given on oral settlement to the father of the 2nd Plaintiff namely Maruthai @ Chinnu Pillai about 40 years ago and thereafter the demise of the said Maruthai, the suit property had been succeeded by the Arukkani Ammal and the house tax receipts and the electricity bills are been paid in the name of said Arukkani Ammal in respect of the suit property, who is none other than the wife of Maruthai @ Chinnu Pillai. This being so, the Plaintiffs/Petitioners had filed this petition seeking the permission of this Court to receive the certified copy of the settlement register extract showing the name of the above said persons namely Sangam Pariyari and Chidhambaram Pillai in respect of the suit property and the house tax and electricity payment receipts in respect of the suit property in order to prove the possession of the Plaintiffs/petitioners over the suit property.

15) The petitioners had contended that they had mistakenly omitted to file the petition mentioned documents earlier before this Court and hence, sought to condone such mistake in the interest of justice by allowing this petition, thereby rendering the petitioners to prove their case in the above suit. However, the Respondents No.1 and 2 had objected that the petition mentioned documents are after suit documents which have no legal value and the same are not to be received in evidence. Upon perusal of the judgments relied on by the learned counsel for the Respondents No.1 and 2, in the above cited case laws it could be seen that the Hon'ble High Court of Madras had not observed in the above judgments that after suit documents should not at all be taken into consideration by the Courts as evidence at any point of time. Rather, the Hon'ble High Court of Madras in the above said decision had observed as to the facts and circumstances of the above cited cases and had held that such after suit documents would not prove the case of the party who have produced the same

as alleged by them in the above cases. Therefore, this Court is not inclined to rely upon the above decisions relied upon by the learned counsel for the Respondents No. 1 and 2 as they are no way connected to the present case on hand.

16) This apart, this Court is of the considered view that opportunities must be given to the parties to prove their cases respectively by way of allowing them and letting them to adduce oral and documentary evidence in support of their case. This being so, this Court finds that opportunities must be given to the Petitioner herein in order to prove his case in the above case by way of allowing this petition rather than dismissing this petition on such technical irregularities such as the omission made on the side of the Petitioners in not filing the petition mentioned documents at the earlier point of time. In order to render complete justice to the parties in the above suit, this Court is inclined to allow this petition. At the same time, this Court also ensures that the Respondents will be given every opportunities to cross examine the Plaintiffs' side witness and to object while marking the petition mentioned documents at the time of trial and to get the documents marked with objections and also to cross examine the Plaintiffs' side witness as to the above documents as well in order to rebut the case of the Plaintiffs and to establish the case of the Defendants. Hence, this petition deserves to be allowed.

Result:

With the above observations, to meet out the ends of justice, this petition is allowed. No costs.

Dictated to my steno-typist, taken down by her in short hand and typed by her in the Computer, corrected by me and pronounced by me in the open court on this the 07th day of April 2026.

**Additional District Munsif,
Kulithalai.**

Petitioners side witness and documents	-	Nil.
Respondent side witness and documents	-	Nil.

**Additional District Munsif,
Kulithalai.**