

IN THE COURT OF THE SUBORDINATE JUDGE, MELUR.

Present: Tmt. M. SAMUNDEESWARI PRABHA, M.A., M.L.,

Monday, the 23rd day of March 2026

I.A.No.2/2025

in

I.A.No.1/2025

in

O.S.No.102/2025

1. P.Senthilvel

2. P.Kalidasan

..... Petitioners/Petitioners/Plaintiffs

// Vs //

R.Kasirajan

..... Respondent/ Respondent/Defendant

This petition is coming up for final hearing before this court on 16.03.2026 in the presence of Advocate.Mr.M.Jeyaraman, Advocate for the Petitioners and Advocate Mr.S.Rajashanmugam, Advocate for the respondent and upon hearing the enquiry on both sides, on perusal of the records and having stood over for consideration till this day, this court delivers the following :-

Orders

This petition has been filed Under Order 7 Rule 14(3) and Section 151 of CPC pass an order to receive the petition mentioned documents in IA.No.1/2025 in OS.No.102/2025.

1. Brief averments of the petition :-

(I) The 1st petitioner herein is the 1st plaintiff in the original suit. The 2nd petitioner is the brother of the 1st petitioner. The above said IA.No.1/2025 is filed for appointment of Advocate Commissioner to measure and note down the physical features of the suit property. The averments made in the original as well as amended plaint may be read as part and parcel of this affidavit. The original suit has been filed for declaration that the suit 'A' schedule property is intended only for pathway and not using for any other purpose other than pathway. The suit 'B' schedule property is family deity house and no other pathway except the suit 'A' schedule property.

(ii) The Respondent/Defendant had approached us to purchase the suit 'A' schedule property for the propose of Laying 20 feet pathway Road for his proposed the Vaigai Nagar Layout to get permission from the Town and Country Plan Department since, the only 15 feet Road is above available Northern side on the East - West Periyar channel and the suit 'A' schedule property was also purchased by the Respondent/Defendant by suppressing the pathway word in the sale deed. Now the suit 'B' schedule property is having no pathway which was encircled by fencing on four corners. The petitioners have filed above suit I.A.No.1/2025 in O.S.No.102/2025 for appointment of

Advocate Commissioner to measure the suit property with help of surveyor, in which the proposed documents are very important such as Vaigai Nagar layout plan and rough draft plan of the suit 'B' schedule are vital document to decide the core issue in this petition that the Respondent/Defendant had purchased the suit 'A' schedule property for the purpose of Pathway and the suit 'B' schedule property is having no pathway and it was encircled by fencing. Hence, this petition has been filed to receive the petition mention documents have to be received and marked in I.A.No.1/2025 in O.S.No.102/2025. Hence this petition has to be allowed.

2. Brief averments of the counter affidavit filed by the Respondent/Respondent/Defendant :-

The respondent herein is the defendant in the original suit. The respondent admitted averments hereunder, all the other averments are denied and the petitioner are put to strict proof of the same. The respondent stated that this petition mentioned document is no way related to the suit property. The petitioners had already filed a case in the Learned District Munsif Court, Melur for the hearing of the case, and had filed a petition IA.No.2197/2018 for the re-opening of the case and a petition IA.No.2898/2018 for the appointment of a Commissioner. Both the petitions were dismissed by the Learned District Munsif Court, Melur on 18.02.2019 as being irrelevant to the case and out of time. The petitioners, challenging the above dismissal orders, filed C.R.P (MD)No.1046/2019 & CRP. (MD) No.1047/2019 in the Hon'ble High Court of Madras at Madurai Bench while the petitions were filed on

11.08.2023 for the hearing of the case, and the above petitions were dismissed on the ground that they were not legally justifiable. The Hon'ble High Court of Madras had also issued an order on 11.08.2023 to conclude the original case pending in the District Munsif Court, Melur within two months. The documents submitted by the petitioners are not original documents. Hence this petition has to be dismissed with costs.

3. The point for consideration aroused is that :-

Whether the petition has to be allowed or not ?

4. Point :-

Both sides heard. Records perused. This petition has been filed to receive the additional document namely the layout plan for survey numbers of some other property which is not the suit survey number related layout plan. Hence the above document is no way related to the suit property and it is dismissed.

5. Result:-

In the result, this petition is dismissed. No costs.

Dictated to the Steno Typist by me, and typed by her directly, corrected and pronounced by me in open court, this the 23rd day of March 2026.

**Sub Judge,
Melur.**

Both sides of witness and documents : Nil

**Sub Judge,
Melur.**

**Draft/Fair Order
in
IA.No.2/2025
in
IA.No.1/2025
in
O.S.No.102/2025
Dt : 23.03.2026
Sub Court,
Melur.**