

**DMC ARAKKONAM 1 IA.No.03 of 2025 IN OS.2/2023
IN THE COURT OF DISTRICT MUNSIF ARAKKONAM RANIPET DISTRICT**

PRESENT:- Selvi.A.AMEENA.,BBA.,LLB(Hons)

DISTRICT MUNSIF, ARAKKONAM

Tuesday the 24th day of March 2026

IA.No.03 of 2025

IN

OS.No. 2 of 2023

(CNR - TNRP080002432022)

K.Arumugam

---Petitioner/Plaintiff

(vs)

1. S.Sivasanakaran

2. S.Mogandass

---Respondents/Defendants

This petition is coming for final hearing before me on 09.03.2026 in the presence of Mr.K.S.Sale Murugan counsel appearing for Petitioner/plaintiff and Mr.R.Saravanan counsel appearing for respondents/defendants. On perusal of entire case records having stood over for consideration till this day, this court has delivered the following:-

ORDER

The petition is filed for Under Order 7 rule 14 (3) and section 151 of CPC to receive the additional documents as stated in the petition and grant leave to file the documents as petitioner's Exhibits.

1.Brief Averments of petition:

1.1. The petitioner states that the he is the petitioner herein and plaintiff in the above suit. The suit is filed for the bare injunction. Further states that with respect to the suit schedule property, Sivasankaran illegally transferred the title deed to his son Mohandas through settlement deed 5086/2018 by using his name in the joint patta.

Apart from his 10 cents of land in S.No.76/12 part is converted as 76/12H and a total of 13 cents of land have been allotted in the name of Mohandas. Other members of his family were also involved. They refused to give his a patta, authorities stated falsely that the above survey number was Grama Natham. But in alter they have been given patta illegally to the defendant to an extent of 76/12H. Thereafter, his son, Mohandas, illegally obtained patta No.359 respectively. Therefore pray to receive the additional documents as stated in the petition and grant leave to file the documents as petitioner's exhibits.

2.Brief Averments of Counter:

The respondent states that the petitioner above application for filing of certified copy and xerox documents relied upon by the petitioner is not sustainable in view of the provisions of sec 65 and 66 of the Indian Evidence Act 1872. The patta mentioned in the petition is Xerox Copy and it cannot be marked as exhibit. The petitioner is no way connected to the settlement deed and therefore and this respondent strongly opposed to mark the petition mentioned documents. In the circumstances stated above the petitioner above application lacks of bonafide and liable to be dismissed in limine.

3.Points for consideration:

Whether this petition is to be allowed or not?

No oral evidence has been adduced by either side. No exhibits were marked on either side.

4.Discussion and findings:

4.1. Heard both sides. Perused the records. The case of the petitioner is that the suit has been filed by the petitioner against the respondents/defendants for Permanent Injunction. In respect of the suit property Sivasankaran has illegally to transfer the title deed to his son Mohandoss through settlement deed 5086/2018. Apart from the

petitioner/plaintiff 10 cents of land in S.No.76/12 is converted as 76/12H and total of 13 cents to be allotted to Mohandoss the said Mohandass illegally obtained patta No.359. Therefore prays to permit to mark the petition mentioned documents.

Whereas the contention is the respondent the patta mentioned by the petitioner is that xerox copy and cannot be marked, the settlement deed is no way connected to the suit hence prays to dismiss the petition.

4.2. Upon perusal of rival of submission this court is of opinion that amendment petition filed by the petitioner has been allowed thus, this court is of considered view that the petitioner should be given and opportunity to let in sufficient evidence to prove their case. The validity of the document will be considered after full fledged trial. However, the respondent always has the liberty to cross examine the petitioner upon the document being received. Hence, in interest of justice this court is inclined to allow this petition subject to the proof and admissibility of the document.

In result this petition is allowed. No cost.

Dictated to typist directly, typed in his computer, corrected and pronounced by me in the Open Court on this the 24th day of the March 2026.

District Munsif,
Arakkonam.

Petitioner side witnesses and Exhibits:- NIL

Respondent side witnesses and Exhibits :- NIL

District Munsif,
Arakkonam.