

IN THE COURT OF THE III ADDITIONAL DISTRICT COURT, SALEM.

Present: Tmt. L.Kalaivani, BA.,B.L.,

III Additional District Judge, Salem.

Thursday, the 13th day of March 2025.

I.A.2/2024

in

GOP.No.131/2023

Panneerselvam	...	Petitioner/ Petitioner
	/vs/	
Sasikala	...	Respondent/ Respondent

This petition is coming on 05.03.2025 before me for final hearing in the presence of Thiru.M.W.Prince, learned counsel for the petitioner and Thiru.R.Mahilan, learned counsel for the respondent, upon hearing both their arguments and having stood for consideration till date, this court delivered the following:-

ORDER

This petition has been filed Under Order 7 Rule 14(3) of CPC

1.The averments in the petition is as follows:

The petitioner herein is petitioner in GOP.No.131/2023 and the above said petition is posted for enquiry. The proposed documents were not in position of the petitioner and thus, he could not able to produce the same at the filing of the GOP.NO.131/2023. The above said document are necessary documents to prove the case of the petitioner. Unless the above said documents are received, the petitioner will be put into loss and hardship. Hence, the present petition for condone the delay in filing the documents.

2. The counter filed by the respondent is as follows:

The respondent has denied the averments stated in the petition except that those are specifically admitted by her. It is false to state that the proposed documents were not in the position of the petitioner at the time of filing the GOP.NO.131/2023. The proposed documents 1,2,3,4,5 are dated 20.06.2023 and the present petition has been filed on 21.06.2023. The proposed documents No.1, 7 are dated 31.03.2022. If really the proposed documents are genuine, the petitioner would have produced the same at the time of filing the petition. The proposed documents are created documents for this petition. After the separation, the petitioner has not sent the children to the school and subsequent to the filing of HCP.No.1081/2023 and GOP.No.144/2023 by the respondent, the petitioner admitted the children in the school. The proposed documents are not relevant to the petition. The documents No. 1st to 16th are xerox copies and fabricated documents. Hence, it is prayed for dismissal.

3. Now the point for consideration is:-

Whether this petition is liable to be allowed or not?

4. Answer to the Point:

Heard the both sides and perused the material available on record. A perusal of above it could be seen that the petitioner has filed a petition in GOP.No.131/2023 and now the petitioner has come forward the present petition to condone the delay in filing the documents.

5. The petitioners would contend that the proposed documents were not in position of the petitioner and thus, he could not able to produce the same at the filing of the GOP.NO.131/2023. The above said documents are necessary documents to prove the case of the petitioner. On the other hand, the respondent would contend that the proposed documents are fabricated documents and the documents No.1 to 16 are xerox copies and irrelevant documents.

6. Having regard to the rival submissions, it is noted that the above application was filed to receive the documents only and just because the documents are received as additional documents that does not amount to marking of the documents and the onus is on the petitioners to prove the admissibility of the documents and proof and relevancy at the time of marking of the documents. Further it would not be necessary for the court to go into the admissibility and validity of the documents at this juncture.

7. Reasons stated in the affidavit are convinced. Considering the same and in the interest of justice this petition is liable to be allowed. Moreover, there is no prejudice would be caused to the contested respondent if the petition is going to be allowed. Since the respondent is at liberty to raise her objection at the time of marking of the documents.

In the result, this petition is allowed with a liberty to the respondent to raise objections if any at the time of marking of the documents and there will be no order as to cost.

Dictated by me, to the Steno-Typist, transcribed and computerized by her, corrected by me and pronounced in the open court, on this 13th day of March 2025.

(Sd/-L.Kalaivani)

III Additional District Judge,
Salem.

Draft/Fair /order
I.A. No.2/2024 in
GOP. No.131/2023
Date.13.03.2025