

IN THE COURT OF DISTRICT MUNSIF COURT, METTUR, SALEM DISTRICTPresent: **Thiru. M.Selvam, B.A., B.L.,**

District Munsif, Mettur

Thursday, this the 04th day of September 2025**I.A.No. 10 of 2025****in****O.S. No. 140 of 2016**

(CNR. No. TNSA17-000024-2016)

Eswari

... Petitioner/Defendant

/Versus/

1. Rama

2. Parameswari

... Respondents/Plaintiffs

This petition came up before me for final disposal in the presence of Mr. P. Siddhan., B.A., B.L., the learned counsel for the petitioner/defendant and Mr. B.Balamurugan., M.A., M.L., the learned counsel for the respondents/plaintiffs. Enquiry heard and having stood over for my consideration till this day, this court passed the following:-

ORDER

Petition filed by the petitioner/defendant to produce certain documents mentioned in their petition.

1. Brief averments in the petition is as follows:

1.1. The petitioner is the defendant in the original suit, which is filed for the relief of declaration and other reliefs. The same was posted for marking of documents by the defendant side. The documents sought to be produce by the petitioner are obtained now only. Hence, this petition is filed to produce the said documents.

2. Brief averments in the counter filed by the 2nd respondent and adopted by 1st respondent is as follows:

2.1. The petition was filed with an cause title as petitioners/plaintiff and the defendant was shown as the respondent therein and under a wrong provision of law, without specifying the address of the parties in the long cause title. The document no. 01 is not an online copy. The document no. 03 is a copy of the letter addressed by the Tahsildar, Mettur to the plaintiffs. There is no averments how the said documents was obtained by the petitioners. The documents are obtained by the petitioner several years before. Hence, this petition is liable to be dismissed.

3. No oral and documentary evidence on either side.

4. Points for Consideration:

(i) Whether this petition has to be allowed or not ?

5. Both side rival submissions heard with regard to their pleadings and perused the materials on record. The original suit is filed by the respondents/plaintiffs for the relief of permanent injunction restraining the petitioner/defendant, her men and agents from in any way interfering with the respondents/plaintiffs peaceful possession in the suit property. The stage of the suit is for defendant side evidence. At this juncture, the petitioner/defendant had come forward with this petition to mark certain documents set out in their petition with the leave of this court. It is well settled principle that mere receiving of the documents would not amounts to adjudicating the rights of the parties and the relevancy and admissibility of the said documents could be decided at the time of marking the same as exhibits and at the time of examination of the witnesses, thereby making it as evidence. The above legal position was also reiterated by **Our Hon'ble Madras High Court** in the case of **Karuppusamy vs Devaraj** reported in **2016 (3) MWN (Civil) 792** relying on the judgment in the case of **Gurusamy and**

others vs Santhanam reported in 2005 (4) MLJ 343. Therefore, this court considers that there is no impediment in receiving the document sought to be produced by the petitioner/defendant. The contention of the respondents/plaintiffs with regard to the marking of documents, if any, would be considered at the time of marking it as exhibits. The other contentions raised by the respondents are technical in nature, to which the substantial justice has to be preferred. Hence, from the overhaul discussion and in the interest of justice and in order to avoid multiplicity of proceedings, this court inclined to allow this petition.

In the result, this petition is allowed. Considering the facts and circumstance of this case, there is no order as to costs.

This order is typed by me in my official laptop, corrected and pronounced by me in the open court on this 04th day of September 2025.

**District Munsif,
Mettur.**

Petitioner side witnesses and exhibits: Nil

Respondents side witnesses and exhibits: Nil

**District Munsif,
Mettur.**