

**IN THE COURT OF DISTRICT MUNSIF COURT, METTUR, SALEM DISTRICT**

Present: **Thiru. M.Selvam, B.A., B.L.,**

District Munsif, Mettur

Tuesday, this the 24<sup>th</sup> day of June 2025

**I.A.No. 07 of 2024**

**in**

**O.S. No. 01 of 2015**

(CNR. No. TNSA17-000125-2015)

M. Lakshmi

... Petitioner/Plaintiff

/Versus/

1. Kauveri

2. Ammasi (Died)

3. Govindasamy @ Chinnathambi

4. Palanisamy

5. Sarasu

6. Mariyammal

7. Krishnaveni

... Respondents/Defendants

This petition came up before me for final disposal in the presence of Mr. B. Balamurugan, M.A., M.L., learned counsel appearing for the petitioners and Mr. N. Saravanan., B.A., B.L., learned counsel appearing for the respondents 3 to 5 and Mr. S. Peterraj., B.A., B.L., the learned counsel for the respondents 6 to 7. The 1<sup>st</sup> respondent was set-exparte in original proceedings and the 2<sup>nd</sup> respondent herein was died. Enquiry heard and having stood over for my consideration till this day, this court passed the following:-

**ORDER**

Petition filed by the petitioner/plaintiff under Order 7 Rule 14(3) CPC to condone the delay in filing the petition mentioned documents in time and to receive the same.

**1. Brief averments in the petition is as follows:**

1.1. The petitioner is the plaintiff in the original suit and the same was filed for the relief of declaration and permanent injunction as against the respondents. The petition mentioned documents are crucial documents in order to establish his case and the same was traced out and collected only now. Hence, he could not able to produce the same at the earliest point of time.

**2. Brief averments in the counter filed by the 3<sup>rd</sup> respondent and adopted by respondents 4 to 7 is as follows:**

2.1. The respondent denied the averments made in the petition. This petition is filed only to prolong the case proceedings. The petitioner had examined herself as PW1 and the same was posted for the plaintiff side further evidence and the husband of the petitioner. This petition is filed to mark the additional documents through the PW2. The petitioner is not entitled to mark the additional document through the subsequent witness, who is the third party to the suit proceedings. 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. This petition is filed by the petitioner/plaintiff to receive the additional documents mentioned in the petition. The original suit was filed by the petitioner/plaintiff for the relief of declaration of title of the suit property and for the consequential relief of permanent injunction.

6. On perusal of the case records, it shows that the petitioner/plaintiff herein was already examined as PW1 and marked Ex.A1 to Ex.A10. The husband of the

petitioner named One Mannikam was examined as PW2 and this petition is filed to mark the additional documents through him, which was described in the petition. It is the only contention of the respondents/defendants that the petitioner is not entitled to mark the said documents through her witness. The contention of the respondents to this effect is not having considerable force. Because, this petition is filed by the petitioner/plaintiff only to condone the delay in filing the documents in time and to receive the same.

7. 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. 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 24<sup>th</sup> day of June 2025.

**Sd./-Thiru.M.Selvam,  
District Munsif,  
Mettur.**

**Both side Witnesses and Documents: Nil**

**Sd./-Thiru.M.Selvam,  
District Munsif,  
Mettur.**