

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

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

District Munsif, Mettur

Tuesday, this the 04th day of November 2025

I.A.No. 10 of 2025

in

O.S. No. 142 of 2018

CNR.No.TNSA17-000177-2018

1. Indhumathi
2. Prawin
3. Priyadharshini

... Petitioners/Plaintiffs

/Versus/

1. The Tahsildar, Mettur
2. The District Collector, Salem
3. Karthika
4. Munichiammal

... 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. S. Harinarayana, B.Sc., B.L., learned Government Pleader appearing for the respondents 1 and 2 and Mr. N.Alagesan., B.Com., B.L., the learned counsel for the respondents 3 and 4. Enquiry heard and having stood over for my consideration till this day, this court passed the following:-

ORDER

Petition filed by the petitioners/plaintiffs 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 petitioners are the plaintiffs in the original suit for the relief of declaration, to declare that the petitioners and the 3rd and 4th respondents are the

legal heirs of the deceased Chandran and to direct the respondents 1 and 2 to issue legal heirship certificate in this regard by way of mandatory injunction. The documents filed along with this petition is misplaced with other documents and now only they had found it. Hence, they could not able to produce the same along with the plaint. Some of photocopies of the said document was also filed at the time of institution of the plaint. Hence, this petition is filed to receive the said documents with the leave of the court.

2. Brief averments in the counter filed by the 3rd respondent and adopted by 4th respondent is as follows:

2.1. The respondent denied the averments made in the petition. The documents are fraudulently obtained by including the name of deceased Chandran. Hence, the same could not able to be filed by the petitioners along with the plaint. The petitioners had not approached this court with clean hands. Hence, this petition is liable to be dismissed.

3. The respondents 1 and 2 had submitted to pass orders on merits.

4. No oral and documentary evidence on either side.

5. 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 petitioners/plaintiffs to receive the documents mentioned in the petition. The original suit was filed by the petitioners/plaintiffs for the relief of declaration, to declare that the petitioners and 3rd and 4th respondents are the legal heirs of the deceased Chandran and to direct the respondents 1 and 2 to issue legal heirship certificate in this regard by way of mandatory injunction. The stage of the suit is for marking of documents by PW1.

6. The documents sought to be produced by the petitioners are all the identity cards, school transfer certificates and the documents in the name of the deceased Chandran. The only contention raised by the respondents 3 and 4 is that the said documents are created by fraudulently. 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**. Admittedly, the respondents would also be provided with an opportunity by way of cross examining the witnesses with regard to their contention. 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 04th day of November 2025.

**District Munsif,
Mettur.**

Both side Witnesses and Documents: Nil

**District Munsif,
Mettur.**