

IN THE COURT OF THE DISTRICT MUNSIF, PALLADAM

**Present:- Thiru. V. Kalidasan, B.Com., L.L.M.,
District Munsif, Palladam.**

Thursday the 05th day of March 2026

IA No.13/2026

in

OS No.12/2015

M.Mariyammal

...Petitioner/plaintiff

/Vs/

1. Deivasigamani
2. N. Karuppusamy (died)
3. R. Jeevanantham
4. K. Ananthi
5. Rajkumar
6. Nachammal (died)
7. Rathinam
8. Karupathal
9. Jothi
10. Kalimuthu
11. Sivakumar

...Respondents/defendants

This Petition is coming on 05.03.2026 for final hearing before me in the presence of Mr.P.P.SureshKumar, B.A.,B.L., Advocate for the Petitioner and Mr.M.Chockalingam, B.A.,B.L., Advocate for the Respondents, Upon perusing the

Petition, affidavit, counter statement and other connected materials on record and hearing the arguments of both sides and having stood over till this day for consideration, this court made the following...

ORDER

i) The petition in IA.No.11/2026 was filed by the Petitioner herein Under Order 7 Rule 14 (3) and Under Section 151 of CPC that to receive the petition mentioned documents by condoning the delay.

1. Brief averments of the petitioner:-

The petitioner has filed the above suit for declaration and consequential permanent injunction. Actually the above suit posted for his side evidence and the documents detailed in the petition are only recently traced and he was unable to produced the same at the time of filing plaint. Now the petitioner herewith produced the documents detailed in the petition with delay. Unless the delay is condone and the documents are order to receive, he will be out to irreparable loss and much hardship. Hence, this petition.

2. Brief averments of the counter filed 5th Respondent and adopted by the respondents 1, 3 and 4:-

The 2nd respondent Karuppusamy and 3rd respondent R.Jeevanantham are jointly purchased the suit property as per Sale Deed dated 03.07.2014 from the respondent, through her Power of Attorney, the 1st respondent in the petition. The 2nd respondent Karuppusamy and the 3rd respondent have jointly filed the suit O.S.188/2018 before the Hon'ble Subordinate Judge Court, Palladam for the relief to declare that the Sale Deed dated 03.07.2014 as true valid and binding on the respondent and for recovery of possession. The Hon'ble Subordinate Judge Court, has decreed the suit on 17.09.2019, held that plaintiffs are the absolute

owners of the suit property by virtue of the Sale Deed dated 03.07.2014 and they are entitle for the recovery of possession from the defendant. The above suit in respect of relief against the Sale Deed dated 03.07.2014 was already declared by the Sub Court and the respondent / plaintiff has participated in the trial. Another trial of the same issue by this court, Subordinate to Sub Court, and passed any conflicting Judgment, that may end in miscarriage of Justice. Hence, the above suit for the same relief is not maintainable. Therefore, this petition is liable to be dismissed.

3. Points for consideration:

Whether this petition will be allowed or not ?

4. Heard petitioner and respondents sides. No oral or documentary evidence is let in by both sides.

5. Answer to the point :

Materials on records perused. It is seen from the records that the petitioner/plaintiff herein had filed the suit in O.S.No.12/2015 for the relief of Declaration and Permanent injunction. The petition has been filed by the Petitioner Under Order 7 Rule 14 (3) and Under Section 151 of CPC that to receive the petition mentioned documents by condoning the delay.

6. On considering both side submissions and on perusing the entire case records the only contention of the petitioner is that the said document is very much necessary for them to prove their case and the same are traced recently. On the other hand the respondents submitted that the issue between the parties already decided and the Hon'ble Sub court, Palladam had declared the sale deed dated 03.07.2014 is valid and permitting the parties for another trial may conflicting the earlier judgment.

7) It is evident from the documents filed by the petitioner petitioner the said documents are the written statement filed in the earlier suit and the memorandum of appeal filed by the petitioner against the judgment and decree dated 17.09.2019 in the earlier suit in OS No.188/2018. On considering the same and the counter statement filed by the respondents the said documents are relevant to the above suit. It is admitted by the respondents, the petitioner had preferred appeal against the judgment and decree passed in OS No.188/2018. Mere receiving the said documents will not cause any impediment to the respondents and receiving the same will not amounting to admitting the said documents in evidence. It is pertinent to note that the relevancy and admissibility can not be decided in the present petition itself and the same would be decided after subjecting the petitioner side evidence to cross examination on the side of respondents herein. Hence, in order to provide one opportunity to the petitioner and in the interest of justice this court is inclined to allow this petition.

In the result, this petition is allowed with cost of Rs.1,000/- to be paid to the respondents.

Dictated to Steno-Typist, and typed directly in computer and corrected & pronounced by me in open Court, on this 05th day of March 2026.

**District Munsif,
Palladam.**

Appendix:-

Both side Witness and Documents:- Nil

**District Munsif,
Palladam.**