

IN THE COURT OF THE DISTRICT MUNSIF, PALLADAM

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

Thursday the 9th day of October 2025

IA No.5/2025

in

OS No.95/2020

Nirmaladevi

...Petitioner/1st Defendant

/Vs/

Radhakrishnan

...Respondent/Plaintiff

This Petition is coming on 09.10.2025 for final hearing before me in the presence of Thiru.K.A.Palaniswamy, B.Sc.,B.L., Advocate for the Petitioner and Thiru.K.Gopalakrishnan, B.A.,B.L., Advocate for the Respondent, 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

1. The petitioners filed this petition in IA No.5/2025 Under Order VIII Rule 1A(3) and R/W 151 of CPC, that to receive the petition mentioned documents and allow the petitioner/1st defendant to produce the same.

2. Brief averments of the petitioners:-

The Respondent/Plaintiff filed a suit for declaration against the petitioner and others. At the time of filing the written statement except the documents 1 to

4 and the other documents 5 to 14, were not available with the petitioner. Hence, he was not able to produce the same. Recently now he obtain certified copies from the Sub-Registrar office. The petitioner producing the documents as detailed in the petition. Therefore, it is just and necessary to produce the documents on his side to prove his case. Unless the petitioner allowed to producing the said documents along with the Proof affidavit and to marked as defense side documents, he will be put to much loss and hardship. Hence, this petition.

3. Brief averments of the counter filed by the Respondents/Defendants :-

The Petition is false, frivolous and unsustainable one in law and on facts of the case. The Petition, as framed is not maintainable one. The prayers are not properly worded in the petition. The alleged documents mentioned in the petition were created by the petitioner with an intent to create right over the properties left by the Respondents father namely Govindasamy. The alleged 5th document Viz., alleged Settlement deed dated 04.12.1992 (Doc.No.2609/1992) is false, void and created one. The alleged Document Nos.6, 8, 11 to 14 are also false, void and created documents. The delay in producing the alleged documents is fully willful and wanton. The Respondent is strongly oppose to receive the alleged documents produced by the petitioner. The reason for delay is fully unsustainable. The petitioner has no relief in the petition. The petitioner has filed this petition without any merit and with an intent to harass the respondent. The Petition is an abuse of Process of Law and Court. The petition is devoid of all legal Merits. Therefore, this petition is liable to be dismissed.

4. Points for consideration:

Whether this petition will be allowed or not ?

5. Heard petitioner and 1st respondent. No oral or documentary evidence by the both sides.

6. Answer to the point :

Materials on records perused. It is seen from the records the suit in O.S. No.95/2020 has been filed for Declaration. This petition was filed by the petitioner/1st plaintiff Under Order VIII Rule 1A(3) and R/W 151 of CPC, that to receive the petition mentioned documents and allow the petitioner/1st defendant to produce the same.

7. On considering both side submissions and on perusing the entire case records the only contention of the petitioner is that at the time of filing of written statement the documents No.5 to 14 listed in this petition were not available with the petitioner. Hence, she could not produce the same at earliest. The said documents are very much necessary for them to prove their case.

8) On the other hand the respondents submitted that the document No.5 a settlement deed dated 04.12.1992 is fabricated one and other documents are created for the purpose of this suit. The said documents are noway helpful to come to the conclusion of the suit and it is unnecessary for the above suit.

9. On perusal of the documents listed in the petition it is found that all the documents are all originals and certified copy of the registered documents. The respondents have not raised any serious objections. Further, the plaintiff side evidence was completed only on 10.09.2025. It is pertinent to note that the

receiving the said documents will not amounting to proving the contention of the said documents or admitting in evidence. The relevancy and admissibility will be decided only at the time of deciding the suit. Further, receiving the said documents itself will not cause any prejudice to the respondents. The respondents are having opportunity to cross examine the petitioner side witness to disprove the said documents which sought to be received. Therefore, in order to provide one opportunity to the petitioner to conducting the case effectively and in the interest of justice this court is inclined to allow this petition on condition.

In the result, this petition is allowed. No costs.

Dictated to Steno-Typist, and typed directly in computer and corrected & pronounced by me in open Court, on this 9th day of October 2025.

**District Munsif,
Palladam.**

Appendix:-

Petitioner's side Witness and Documents:- Nil

Respondent's side Witness and Documents :- Nil

**District Munsif,
Palladam.**