

IN THE COURT OF IVth ADDITIONAL DISTRICT JUDGE, UDUMALPET.

PRESENT: Thiru.C.Rajalingom, B.A., B.L.,

IVth Additional District Judge, Udumalpet.

Wednesday, the 20th day of November, 2024

IA.No. 2 of 2022 in O.S.No. 48 of 2017

1. A.Rajamani,
2. Kannappan

... Petitioners/Plaintiffs

Vs.

R.Yasodai Ramalingam

... Respondent /1st defendant

This Petition came before me for final hearing on 12.11.2024 in the presence of Thiru.V.Muthukumar, Advocate for the Petitioners/Plaintiffs and Thiru.C.Prem Kumar, Advocate for the Respondent/ 1st defendant and having heard both sides and on perusal of the records and having stood over for consideration till this day, this court delivers the following :-

Order

This petition filed by the petitioner under order 8 Rule 1(A) of the Code of Civil Procedure to condone the delay caused to produce the documents within the prescribed time and to accept the same.

2. Brief averments in the petition:-

The Petitioner is the plaintiff in the suit. The respondent had filed a petition to stay the suit which was numbered as I.A.No.1/2022. Now, the vital documents are submitted with this petition to prove the case of the petitioner. Now only the documents are obtained. Hence it is necessary to receive the same.

3. Brief averments in the counter filed by the Respondent /1st defendant:-

The reason for the petition is false and not maintainable in law. The averments made by the petitioner are concerned except he admitted all the other averments are denied. The serial number 7 and 8 of the documents are relates to 2nd defendant. She remained exparte and the notarized copies of Adhaar Card and Driving license unacceptable. How, it was obtained and from whom those are received are not mentioned in the affidavit. It is clear that, the document numbers 7 and 8 handed over by the 2nd defendant to the plaintiff. So, they are jointly conducted the suit. The 2nd defendant also continuously watching the suit even after remained exparte. Hence the petition is liable to be dismissed.

4. Submissios on either side:-

The contention made by the petitioner is that, the documents are vital to prove the case of the petitioner. If the court not received the same. The petitioner will be seriously injured. On the other hand the counsel for the respondent would contend that, the documents are noway relevent to this case. Purposely the petitioner produced the 2nd respondent's documents also. Hence, the documents will not be considered.

5. Discussion on the point:-

Upon considering the submissions on either sides, the documents are also perused carefully. The family card of the 2nd respondent and the copy of settlement deed executed by the 1st respondent and her husband and also the death certificate of 1st respondent's son and copy of Legalheir certificate and the copy of plaint and the copy of other documents are concered. The relevency and the validity of the documents has to be decided only after conclusion of the proceedings. Hence, at this stage if the documents are received, no prejudice caused by other side. Hence to give an opportunity to the petitioner this court is

inclined to allow the petition.

Result:-

This petition is allowed without costs.

Dictated by me to the Steno-Typist, transcribed in Short-hand, computerized by her and corrected by me and pronounced in the Open Court on this the 20th day of November, 2024.

IVth Additional District Judge,
Udumalpet.

Both sides witness and Exhibits : Nil.

IVth Additional District Judge,
Udumalpet.

Fair/ Final Order
IA No.1/2022 in
O.S.No.48/2017
D.D: 20.11.2024
IVth ADJ Udumalpet