

IN THE COURT OF ADDITIONAL DISTRICT MUNSIFF, VALLIYOOR

Present: Mithuna.A.Kaiser, Additional District Munsif, Valliyoor

Wednesday, On the day of 18th day of June 2025.

திருவள்ளூர் ஆண்டு 2056, குரோதி வருடம் ஆனி மாதம் 04-ம் நாள் புதன்கிழமை

I.A.No.10/2025

In

O.S.No.209/2015

Sanjaykumar through
his Power Agent V.Jeyakumar

.... Petitioner/Plaintiff

-Vs-

1. Arulmighu Subramaniaswamy Koil
Valliyoor, through its Executive Officer
2. State of Tamil Nadu through
its District Collector, Tirunelveli
3. The Tahsildar, Radhapuram
4. Commissioner, HR&CE Department, Chennai Respondents/Defendants

This petition came before this court on 13.06.2025 for final hearing in the presence of Thiru. E.Seenivasan, Learned counsel for the petitioner/plaintiff, Thiru.A.S.Gnanasekar, Learned counsel for the 1st respondent/defendant and Learned Government pleader for 2 to 4 respondents/defendants and upon hearing both sides, perusing the case records, and having stood over the consideration till this day, this court hereby delivers the following:

ORDER

The petitioner had filed this petition under Order VII Rule 14(3) of Civil procedure code, seeking to receive the additional document on the side of plaintiff.

GIST OF AVERMENTS IN PETITION:

The petitioner stated that the suit is for the relief of Declaration and Permanent injunction. The petitioner is power agent, who is none other than father of the plaintiff. The petitioner had filed this petition to receive the document of sale deed no.1361/2008. The said sale deed was executed by one Subalakshmi infavour of plaintiff, was not released for want of proper stamp duty . After agitation with registrar, a writ petition was filed before the Hon'ble Madurai Bench of Madras High Court, and finally the said document was released after getting proper stamp duty. Further stated by the petitioner that, non presenting of the document prior to opening of the case is not wanton and hence this petition.

GIST OF COUNTER FILED BY 1ST RESPONDENT:

The petition is not maintainable in eyes of law and it should be dismissed with cost. The suit is for the relief of declaration and permanent injunction.

Initially, the petitioner/plaintiff failed to submit the sale deed relating to suit schedule property and now prays to receive the said sale deed. The said sale deed was registered deficiently stamped and now necessary stamp fee had been paid, on schedule property being valued as Rs.8,60,161/-. Hence the Court fee paid by the petitioner/plaintiff is found to be incorrect. The petitioner/plaintiff had filed this petition concealing true facts, hence the 1st respondent pray for dismissal of the petition. The 2 to 4 respondents had adopted the same counter.

POINT FOR CONSIDERATION:

Whether the petition under Order VII Rule 14(3) of CPC has to be allowed or not?

1. Heard both sides, records perused. This petition has been filed by the petitioner/ plaintiff, while the original case has been adjourned for PW2 chief continuation. The suit is for the relief of declaration and permanent injunction. The petitioner had filed this petition stating that this petition schedule document is relevant to the main suit and are necessary to be received by this court, otherwise the petitioner will be put to hardship. The respondents countered that the petition schedule document is deficiently stamped and now presented after being properly stamped, in which the schedule property was

valuated for Rs.8,60,161/-. Hence the Court fee paid by the petitioner/plaintiff is found to be incorrect.

2. On perusal of the document, this court finds that the sale deed no.1361 /2008 dated 05.03.2008, executed by one Subalakshmi infavour of the plaintiff was insufficiently stamped and later the proper stamp duty had been paid on 03.02.2025. As stated by the respondents/defendants , there arises a question in relation to the valuation of the suit schedule property and proper and sufficient court fee has been paid or not, consequentially whether this court has jurisdiction or not. However , this shall be decided by the court at the time of trial. As discussed above due to deficit stamp duty and after payment of requisite stamp duty, the sale deed was released on 05.03.2025. Hence this document could not have been filed during institution of suit and filing of the document and their late submission did not alter the original claim. Furthermore, existence and relevance of the documents were not disputed by the respondents. Since, the suit is at the stage of PW2 chief continuation and no substantial prejudice would be cost to the respondents/defendants, if the document is received especially when an opportunity to cross examine and rebut the same will be available.

3. For the reason stated above, this court is of considered view that the petitioner/plaintiff must be given sufficient opportunity to prove the case and this document filed with the petitioner's petition is necessary for effective adjudication of the suit, hence, this court inclines to allow the petition, subject to the proof and relevancy of the said document.

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

This Order dictated to the Typist, directly typed in computer by him, corrected and pronounced by me in open Court, on 18th day of June 2025.

Additional District Munsif,
Valliyoar.

Witnesses examined on the side of Petitioner and Respondents: Nil

List of Documents on the side of the Petitioner and Respondents: Nil

Additional District Munsif,
Valliyoar.

Additional District Munsif Court,
Valliyoor

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in

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Draft/Fair Order

Dated: 18.06.2025