

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, VALLIYOOR

Present: Mithuna.A.Kaiser, Additional District Munsif, Valliyoor
Friday, On the day of 07th day of November 2025.

I.A.No.9/2025

In

O.S.No.75/2023

J.Sterney,

Through his General power of Attorney

S.Jeyaseelan

.... Petitioner/Plaintiff

-Vs-

1. V.Thangaraj

2. T.Pal @ Balakrishnan Nadar

3. S.Anburaja Nadar (Died)

4. S.Ravichandran

5. Ponselkar Nadar

.... Respondents/Defendants

This petition came before this court on 01.11.2025 for a final hearing in the presence of Thiru.T.A.Davidson, Learned counsel for the petitioner/plaintiff and Thiru.R.Pandiyaraja, Learned counsel for the 1,2,4,5 respondents/1,2,4,5 defendants, 3rd respondent/3rd defendant died 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) and section 151 of Civil procedure code, seeking to receive the documents and mark on the side of petitioner/plaintiff.

1. GIST OF AVERMENTS IN PETITION:

1.1. The petitioner/plaintiff had filed the petition stating that the suit is for the relief of declaration and injunction. In the present suit commissioner had been appointed and after inspection of the commissioner, the respondents/defendant damaged their North-East corner of the property again and plying their vehicle through that portion of property. This petitioner/plaintiff had taken photos regarding that and after inspection of the commissioner the 2nd respondent/2nd defendant threatened the petitioner/plaintiff. Consequently, the petitioner had lodged an FIR against the 2nd respondent/2nd defendant. Therefore, the photo taken and the FIR lodged clearly establish the attitude of 2nd respondent/2nd defendant. Hence this petition is necessitated, to receive the enclosed documents on the side of the plaintiff, failing which will cause irreparable loss and injury to the petitioner/plaintiff.

2. GIST OF AVERMENTS IN COUNTER:

2.1. The 2nd respondents countered that, averments made by the petitioner is false, not maintainable in eyes of law and it should be dismissed at limine. The petitioner has filed this petition to receive the enclosed documents, which are fraudulent in nature. The photos enclosed are not the photo of the suit schedule property, Hence the respondent prays for dismissal of the petition with cost.

3. POINT FOR CONSIDERATION:

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

3.1. Heard both sides, records perused. This petition has been filed by the petitioner/plaintiff. The suit is for the relief of declaration and permanent injunction. The petitioner had filed this petition stating that, these petition schedule documents are relevant to the suit and are necessary to be marked on petitioner/plaintiff side, otherwise the petitioner will be put to hardship. The respondents countered that the petition schedule documents are forged, fraudulent and fabricated. Thus, submitted it cannot be taken into consideration. The court is of considered view that, receiving the documents and their submission of photos and FIR registered will not alter the original claim or introduce a new cause of action. Furthermore, regarding the genuineness and proof of disturbance caused by 2nd respondent are matters of evidence that can be tested during the cross examination of the witness or at the stage of final hearing. As the existence and relevance of the documents were not disputed by the respondent and thus this court considers allowing the petition, as it will not cause any prejudice to the respondents/defendants. Hence, this court inclines to allow the petition. As a result, this petition is allowed, subject to the proof and relevancy of the said documents, without cost.

In the result the petition is allowed. No cost.

This Order dictated to the Typist, directly typed in computer by him, corrected and pronounced by me in open Court, on 07th day of November 2025.

Additional District Munsif,
Valliyoor.

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,
Valliyoor.

Additional District Munsif Court,

Valliyoor

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Draft/Fair Order

Dated: 07.11.2025