

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, TIRUVANNAMALAI.

PRESENT : Mr.P. Mathusuthanan, B.A., B.L.,
Principal District Judge,
Tiruvannamalai.

Saturday, the 03rd of June- 2023

I.A.No. 1 /2023 in O.S.No.32/2021

Unnamalai

...

Petitioner / Plaintiff

versus

1.Palani

2. Mannusamy @ Mannangatti

3. Shanmugam

4. Raman

5. Lakshmanan

6. Viji

7. Babu

8. Settu

9. Uthandi @ Ramu

10. Anusuya

11.Krishnamoorthy

Respondents / defendants

This Interlocutory Application has come up before me for final hearing on 03.06.2023 in the presence of Mr.L.Sugumaran Learned Advocate appearing for the Petitioner and Mr. K.Karunakaran, Learned Advocate appearing for the Respondents 1 to 1 and 11th Respondent remained exparte in the suit, upon hearing the argument on the both sides and upon perusing the available records and having stood over for consideration till this day, this court passed the following...

ORDER

The petitioner filed this petition under Order 7 Rule 14(3) of CPC praying to permit her to file the petition mentioned documents on the side of the petitioner /Plaintiff by condoning the delay in filing the same.

2) Brief facts of the petition :

The petitioner is the plaintiff in the above suit. The petitioner/plaintiff filed the original suit against the respondents herein for partition and the same was posted for hearing on 02.06.2023. The petition mentioned documents were recently traced out and these documents are very essential to prove her case. Hence, requested to grant leave to produce the petition mentioned documents on the side of petitioner /plaintiff. Hence this petition.

3) Brief averments of the counter filed by the 1 to 10th respondents are as follows:

The petition filed by the petitioner is not maintainable in law and on facts. The two Settlements deed dated 17.06.2021 are not at all legally valid and do not bind the respondents and hence, they requested to dismiss the petition. In the written statement of the suit, the respondents mentioned that 0.10 cents of land in S.No.89/1A had to be included in the suit schedule, but the plaintiff did not include the same. Hence, the plaintiff's case has to be dismissed as the suit is being tried without including the above mentioned property. Hence requested to dismiss the petition.

4) **Point that arises for consideration in this Petition is that**

Whether this petition is to be allowed as prayed for?

5) **Point :** The Learned Counsel appearing for the petitioner would contend that the documents proposed to be marked through this petition were only recently traced out and he would further contend that these documents are very essential to prove her case in effective manner, hence requested to grant leave to produce the petition mentioned documents on the side of petitioner /plaintiff.

6) Per contra, the learned counsel appearing for the respondents would contend that out of 5 documents the two Settlement deeds dated 17.06.2021 are not at all legally valid and do not bind the respondents herein, hence he requested to dismiss the petition.

7) **Heard both sides. Perused the records.**

8) The documents produced alongwith the petition can be admitted in evidence subject to proof and relevancy of the document in deciding this case and this respondents herein is entitled to subject the documents for his effective cross examination. Hence no prejudice would be caused to respondents in the event of leave permission to the petitioner to produce the petition mentioned documents in the above said case. Hence, considering the reason set out in the petitioner and considering the facts and circumstance of this case, this court is inclined to allow this petition.

In the result the petition is allowed subject to the proof and relevancy of the documents proposed to be marked through this petition.

This Order is dictated by me to the Steno-Typist Grade-II of this Court, transcribed by her in Computer, corrected and pronounced by me in open court, this the 03rd day of June- 2023.

Sd/-. P. Mathusuthanan
**Principal District Judge,
Tiruvannamalai.**