

IN THE COURT OF THE DISTRICT MUNSIF, ARNI.

PRESENT: Miss. D.V.Koperundevi,B.com.,L.L.B.,(Hons)

DISTRICT MUNSIF,

DISTRICT MUNSIF COURT, ARNI.

Thursday the 3rd day of July 2025.

I.A. No. 3/2024

in

O.S. No. 72/2015.

Velmurugan

... Petitioner/Plaintiff

/Vs/

1.M.Krishnan

2.V.Krishnan

...Respondents/Defendants

This petition came up before me for final hearing on 05.06.2025 in the presence of Advocate Thiru. K.R.Rajan, for the Petitioner/Plaintiff and Advocate Thiru. R.Saravanan, for the Respondents/Defendants, and upon hearing both sides' enquiry and perusing the material records of this petition and having stood over for consideration till this day, this court delivers the following: -

ORDER

The Petitioner / Plaintiff has filed this petition under Order 7 Rule 14(3-A) of CPC praying to condone the delay and to receive the petition mentioned document and render justice accordingly

I. The gist of the averments in the petition:

In the affidavit, the Petitioner respectfully submits that he is the Plaintiff in the main suit. The suit has been filed against the Respondents/Defendants seeking a permanent injunction to restrain them from interfering with the peaceful possession and enjoyment of the suit property by the Plaintiff. At the time of instituting the said suit, certain key documents about the case were not available to the Petitioner. However, the Petitioner has now obtained the original *Manaivari Thoraya Patta* issued by the Deputy Tahsildar of Arani in the name of the Petitioner's grandfather, Santha Gounder, bearing Patta No. 1511. In addition, the

Petitioner has also secured a certified copy of the Settlement Deed dated 15.12.2014, executed by Muniyammal in favour of Kaveri, which had earlier been submitted only as a xerox in the case records. These documents are of significant evidentiary value and are crucial for the fair adjudication of the matter. The Petitioner submits that permitting these documents to be marked as additional evidence will not prejudice the rights or interests of the Respondents in any manner. Therefore, the Petitioner humbly prays that this Hon'ble Court may graciously permit the Petitioner to produce and mark, as additional documentary evidence, the original Patta in the name of Santha Gounder and the certified copy of the Settlement Deed dated 15.12.2014, as described in the annexed schedule, in the interest of justice and fair trial.

II. The gist of the averments in the counter filed by the 2nd respondent and the same adopted by the 1st respondent:

1. The present petition filed by the Petitioner/Plaintiff seeking leave to submit additional documents is legally unsustainable and inequitable and is, therefore, liable to be dismissed with costs. Except for the facts expressly admitted in this counter affidavit, all other averments in the Petitioner's affidavit are categorically denied, and the Petitioner is put to strict proof thereof.
2. The Petitioner claims that certain documents, specifically the *Manaivari Thoraya Patta* bearing Patta No. 1511 issued by the Deputy Zonal Tahsildar, Arani, in the name of his grandfather Santha Gounder, and a certified copy of a settlement deed dated 15.12.2014 executed by Muniyammal in favour of Kaveri, were not available at the time of filing the suit and now seeks to introduce them as additional evidence, alleging they are crucial to the case. These assertions are baseless and are denied in toto. The burden of proof remains entirely upon the Petitioner.
3. The Respondent respectfully submits that the counter affidavit already filed in the main suit may be treated as part and parcel of this response.
4. In truth, the Petitioner has never been in possession or enjoyment of the suit property, which in fact belongs to this Respondent. The property in question

has been under the continuous possession and enjoyment of this Respondent and his ancestors for several generations. Historically, the disputed land was granted as a *Manyam* (land grant) by Periyathanam Narayana Gounder, an ancestor of the Respondent, during the Arni Jagir period, and it has been in the uninterrupted enjoyment of his lineage since then.

5. Successive generations, including Narayana Gounder's son, Krishna Gounder, and his descendants—Erappa Gounder, Velu Gounder, Chinna Muni Gounder, Saminatha Gounder, and Rangasamy Gounder—have continued to possess and cultivate the suit property. The 1st Respondent is the son of Chinna Muni Gounder, and another heir, Venkatraman, son of Saminatha Gounder, presently performs *Periyathanam* duties. Though there has been no formal partition among the heirs, they have all jointly enjoyed the property as ancestral land.
6. The Petitioner, on the other hand, has never possessed or enjoyed the suit property and is attempting to lay false claims based on fabricated and forged documents. The document dated 15.12.2014, upon which the Petitioner relies, allegedly traces its origin to a conveyance deed dated 23.09.1946. However, the property referred to in the 1946 document is entirely distinct from the property currently under dispute. There is a clear discrepancy between the land described in the document and the actual location of the suit property. Furthermore, there were multiple individuals named Santha Gounder residing in the village at the time, which further casts doubt on the identity and rights claimed by the Petitioner's grandfather.
7. Consequently, the settlement deeds dated 10.10.2014 and 15.12.2014, purportedly based on the 1946 deed, are legally untenable and must be considered forged and fabricated. The Petitioner's assertion that his grandfather held no property other than the one referenced in the 1946 deed is demonstrably false.
8. It is evident that the Petitioner has instituted a vexatious and baseless claim with malicious intent, falsely asserting ownership and possession of a property that rightfully belongs to this Respondent and his family. The motive behind this litigation is purely to harass and inconvenience the Respondents, who are

elderly citizens aged 82 and 90, respectively. The filing of this application, particularly at this advanced stage of the suit, is a deliberate attempt to delay the proceedings and cause unnecessary hardship to the Respondents, who are already burdened due to age.

9. In view of the foregoing, it is humbly submitted that the claim advanced by the Petitioner is wholly without merit, and the present application seeking permission to produce additional documents should be rejected with exemplary costs.

III. Points:

1. Whether the petition filed under Order VII Rule 14(3A) and Sec. 151 of CPC to be allowed ?

IV. Points for Consideration:

Heard on both sides. Records have been perused.

1. On perusal of the record, the suit was filed for a permanent injunction. The suit is in the stage of PW1/MOD. At this stage, this petition filed for receiving the on 24.04.2017 Manaivari Patta, stands in the name of the Santha Gounder(plaintiff grandfather), bearing patta No 1511 and on 15.12.2014 Muniammal Executed as settelement deed in favor of the Kauvery {Certified Copy}stating that these documents are necessary to establish his case. It is contested by the respondent stating that the document filed for drag on the proceedings. On considering the objection regarding irrelevance to the issue in suit and drag on the proceedings, if it is received subject to proof and relevancy, no prejudice will be caused to the respondent.
2. On careful consideration of the available records, it is found that, when the suit is pending for PW1 Marking of Documents, the petitioner/plaintiff is seeking permission to receive the petition mentioned Document Nos 1 and 2 to be marked as exhibits to prove his case.
3. Hence, On considering the stage of the case and to dig-out the real questions of facts of this case, and to give sufficient opportunity for both sides to prove their case on merits, and to render justice and to meet the ends of justice, this Court

is inclined to receive Document No.1and 2, subject to proof and relevancy of the case.

Result:

In fine, the petition to receive additional documents under Order 7 Rule 14(3A) CPC is allowed with subject to proof and relevancy. No costs.

Dictated to Steno Typist, and computerized by her directly, corrected and pronounced by me in the open court, on the 3rd July of 2025.

District Munsif

Arni

List of Petitioner side Witness and Documents:- NIL

List of Respondent side Witness and Documents:- NIL

District Munsif

Arni