

IN THE COURT OF SUBORDINATE JUDGE : LALGUDI

Present : Tmt.R.Mohana, B.L.,

Subordinate Judge, Lalgudi

Dated Saturday, the 06th day of December - 2025

I.A No.12/2025 in OS.No.725/2018

1. Selvakumari

2. A. Prabavathi

.....Petitioners/plaintiffs

- Vs -

1. Parvathi

2. Rajendran

3. Nallaponnu

4. Chandra

5. Panaiyadiyan

....Respondents/ defendants

This petition came up before this court for final hearing on 06.12.2025 in the presence of the Learned Counsels Thiru.L.Rengarajan- advocate for the petitioner and of Thiru.K.Jayaraman - advocate for the respondents and upon perusing the case records and having stood over for consideration before this court till this day, today this court hereby delivers the following. . .

ORDER

The Petitioner has filed this Petition Under order 8 Rule 1 (iii) and R/w. section 151 CPC, pleaded to grant leave petitioner to file the document described in the accompanying application, receive them in evidence.

2. The brief averments of the Petition -

The petitioner is the 2nd plaintiff in the suit. They know the facts of the case. The petitioners have filed the above said suit for the relief of permanent injunction and for other reliefs on representating capacity. For more details, the averments made in the plaint may kindly be read as part and parcel of this affidavit. In the above suit, the petitioner was examined as PW1 and through her Ex.A1 to Ex.A4 were marked and thereafter she came to know that, due inadvertence, the layout plan Sri Raghaventhra Highway Park was not filed. The petitioner got the layout plan now only. In order to prove her case, the layout plan of Sri Raghventhra Highway Park which is the suit property is vital and to be received and to be marked on her side. Therefore in order to mark the petition mentioned document. The petitioner have to be recalled for chief examination to mark the said document on her side. At the time of filing of suit, the petitioner unable to file the said document. The non filing of the petition mentioned document at the time of filing of suit is neither wilful non wanton. Therefore leave has to be granted to the petitioner to file the documents described in the accompanying application and be received in evidence in the above suit and the petitioner having good

case on merits. Else, the petitioners suffer a huge loss and hard shop. Hence, this application.

3. Gist of Counter objection -

Except those that are specifically admitted herein are true, but all other allegations are false and the petitioners/plaintiff herein are is put to strict proof of the same. There cannot be any more frivolous petition than the present one. The above said petition is not maintainable either on law or on facts. The document which is proposed to be marked by the plaintiff is a public document and it might have to be presented at the time of filing the plaint itself. With an aim to drag on proceeding alone this sort of vexatious applications are pressed into service by the plaintiff herein. The present petition is pressed into service to see how far it succeeds. There is no merit in the present application. Petitioners/plaintiffs are not giving proper reasons to substantiate their plea. This respondents /defendants reserves their right to file additional counter as and when such circumstances arisen. It is therefore prayed that this Court may be pleased to dismiss the above said petition with exemplary cost.

4. There is no oral and documentary evidence let in by both sides. Available case records perused.

5. The Points for consideration is that whether this Petition is allowed or not ?

6. The Learned Counsel for the Petitioners argued that this is suit for permanent injunction filed by the Petitioners/Plaintiffs and the 2nd Petitioner who was examined as

PW1 and ExA1 to ExA4 were marked and due inadvertency the lay out plan for Sri Raghaventhra Highway park was not filed and the Petitioner got the plan right now and the above said plan is vital document and the same may be permitted to receive belatedly so as to enable this Petitioners to prove their case on merits and as such this Petition may be allowed.

7. The Learned Counsel for the respondents argued that the document which is proposed to be marked is public document and it might have to be presented at the time of filing the main suit itself and this sort of delay is vexatious to this Respondent and this Petition is filed only to delay in process and there is no merits in this application and there is no proper reason given to substantiate the plea raised by the Petitioners and this Petition is deserved to be dismissed with cost.

8. Both side heard. Case records perused. This is suit for Permanent injunction filed by the Plaintiffs by claiming right over the suit properties. The defendants have raised their rival claim of title over the suit properties. Hence, it is necessary to prove the title of the Plaintiffs by producing the relevant documents.

9. It is pleaded in this Petition that the certified copy of the document appended along with this application is vital to prove the case of the Petitioners and it is further pleaded that the document has recently obtained by the Petitioners. Considering the above said pleadings, this Court is of the opinion that the Plaintiffs who have filed the suit, have to prove their case by through oral and documentary evidence.

10. The suit is pending for more than 10 years and this case is identified under the category of target cases. The suit is in the stage of arguments. Now the Petitioners have filed this Petition in belated stage. But, this Court is of the view that in order to arrive just and final conclusion on merits, the opportunity may be given to the Petitioners to prove their case.

11. Further this Court is of the view that the document appended herewith is certified copy and the truth of this documents can be explained by cross examining the PW1 and hence there is no prejudice would cause to the respondents by allowing this applications. Considering the long pendency of the case and stage of the case, this Court is of the opinion that this Petition can be allowed only on condition that the Petitioner has to pay cost a sum of Rs.1000/- to be paid to the respondent on or before 10.12.2025, if any deviation, this Petition will stand dismissed.

In the result, this Petition is allowed on condition. The document may be received subject to proof and relevancy only on condition that the Petitioner has to pay a sum of Rs.1000/- to be paid to the respondent on or before 10.12.2025 if any deviation this Petition will stand dismissed. No cost. Call on 11.12.2025.

Dictated to steno-typist, typed by her directly in computer, corrected and pronounced by me in open court on this the **06th** day of **December 2025**.

SUB JUDGE
LALGUDI.

List of Documents

Petitioners side witness and document - Nil

Respondents side witness and document - Nil

SUB JUDGE
LALGUDI.

Sub Court, Lalgudi

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Fair/ Draft Orders

Dated – 06.12.2025