

IN THE COURT OF I ADDITIONAL DISTRICT JUDGE, TIRUVALLUR

PRESENT: Thiru.S.GANAPATHISAMY, B.A., B.L.,

I Additional District Judge, Tiruvallur

Saturday, the 15th day of October 2022

I.A.No.3 of 22 in O.S.No.15/2021

Mr.P.Pandurangan

... Petitioner / Defendant

Vs.

1.Mr.P.Sampath

2.Mrs.S.Saranya

3.Mr.S.Manikandan

... Respondents / Plaintiffs

This Petition coming on 15.10.2022 before me for final hearing in the presence of Mr. M.John, Mr.S.Thangarasu and Ms.S.Jothi, learned counsels for the Petitioner / Defendant; Mr.A.R.Poovannan, learned counsel for the Respondents / Plaintiffs and upon hearing both side arguments; perusing the related records, and having stood over for consideration till this day, this Court delivers the following :-

ORDER

The petitioner / defendant has filed this application under Order 8 Rule 1(A)(3) of CPC to receive the sale deed stood in the name of her mother, the Will, the Lawyer notices, the medical records of his mother, Voter Identity Card , Adhar Card and the death certificate of his mother, stating that the above documents are necessary to establish the case of the defendant.

2. It is the objection of the plaintiffs in their counter that the defendant has not pleaded the above documents and xerox copies cannot be marked. The defendant has clearly pleaded all the documents in 4th and 5th paragraphs of written statement. The plaintiffs have admitted document No.1 to 4 even in his plaint. If the documents are received, the plaintiffs would not be prejudiced in any way. The admitted document can be received and on production of original ration card, adhar card, voter identity card, the copies of such documents can be received. If the documents are not received, when the matter is taken up before the appellate court, the appellate court would lose a chance of evaluating the documents sought to be received. On the other hand, if the documents are received, the plaintiff has opportunity to challenge the validity of documents sought to be marked by way of cross examination of witness.

3. In the result, the petition is allowed, receive document No.1 to 13, 20, 21 and receive other documents subject to production of its original for comparison.

Dictated by me to the Steno-Typist and transcribed by her in the computer, corrected and pronounced by me in the open Court on this the 15th day of October 2022.

Sd/S.GANAPATHISAMY
**I Additional District and Sessions Judge,
Tiruvallur**

Both side Witness & Exhibits:- Nil

Sd/S.GANAPATHISAMY
**I Additional District and Sessions Judge,
Tiruvallur**

Fair/Draft Order
I.A.No.3/2022
in O.S.No.15/2021 in
DD : 15/10/2022