

In the court of the I Additional District Judge, Tiruvallur.

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

I Additional District Judge, Tiruvallur.

Wednesday, the 7th day of December, 2022

I.A.No. 2/2022

in

O.S.No. 205/2020

1. L. Anand Prakash

2. L. Mothilal

3. Basantha
Defendants

... 1 to 3 Petitioners /1, 2 & 4

// Versus //

1. L. Sampathraj
Plaintiff

... 1st Respondent /

2. Indiradevi

3. Phooli Bai (died)
Defendants

... 2 & 3 Respondents/3rd & 5th

This petition coming on 28.11.2022 for final hearing before me in the presence of R.S. Rajarajan, learned counsels for the 1 to 3 Petitioners /1, 2 & 4th Defendants; Thiru. L. Thanigaivel, learned counsel for 1st Respondent / Plaintiff ; perusing the related records, and having stood over for consideration till this day, this court delivers the following :

ORDER

The petitioners/1st, 2nd and 4th defendants have filed this application U/s. 65 and 66 of Indian Evidence Act seeking for a direction to the 1st respondent/Plaintiff to produce the following documents.

1. Registered sale deed dated 09.10.1998 under document 4338/1998.
2. Registered sale deed dated 09.10.1998 under document 4339/1998.
3. Original document of ground floor of house allotted to the plaintiff at Juntha Village in Rajasthan State.
4. Original document of the first floor of house allotted to the 1st defendant at Juntha Village in Rajasthan State.
5. An unregistered partition deed namely family arrangement dated 14.05.2012.
6. The Original document of vacant site measuring 1500 sq.ft in Sojat city in Rajasthan state.
7. Koorchit dated 14.05.2012.

2. The petitioners have stated that when the plaintiff shifted his residence during the lifetime of his father from door no. 226 to the 1st floor of Krishnapuram house, he has taken away the above documents.

3. The first respondent/plaintiff has stated in his counter as follows :
4. Instead of filing a simple memo, the plaintiff has filed this application to protract this suit. Doc. no. 3 to 5 are not related to the suit property and the above documents are not available. The 1st and 2nd documents are not related to this suit subject and they are not traceable presently. Doc. no. 6 is not related to the suit subject and it was in the native village in Rajasthan and it cannot be produced presently, since it is not in the hands of the Plaintiff. Doc. no. 7 is not related to this suit subject and it cannot be produced presently, since it is not in the hands of the Plaintiff.
5. Both side heard.
6. When the case was posted for cross examination of PW1, the petitioners have filed this application without assigning any reason for its production instead of filing a simple memo. The plaintiffs have stated to be not in possession of the above documents presently. The necessity of the above documents and the effect of non-production of the above documents by the plaintiff can be decided at the time of final disposal of the case. Therefore, the petition is closed.

Dictated by me to the Steno-Typist and typed by her directly in the computer, corrected and pronounced by me in the open Court on this the 7th day of December, 2022.

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

Both side Witness and Exhibits :- Nil

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

Fair/Draft Order

I.A.No.2/2022 in

O.S.No.205/2020

DD : 07/12/2022