

IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.

PRESENT: Selvi.A.Keerthana, B.A., L.L.B.,
District Munsif, Ponneri.

Tuesday, the 23rd day of September 2025.

I.A. NO.8 OF 2025
IN
O.S. NO.168 OF 2011

1. Karuna
2. Venilla

..... Petitioners/Defendants 1 and 2

Versus

1. K.Mani
2. Aaravalli

..... Respondent/Plaintiff
..... Respondent/3rd defendant

This petition came before me 19.09.2025 for final hearing in the presence of Mr.N.R.Gopaalan, Learned counsel appearing for the Petitioners/Defendants 1 and 2 and Mr.T.Kumar, Learned counsel appearing for the Respondent/Plaintiff. The 2nd Respondent/3rd defendant respondent was already set exparte in the suit, notice to them were dispensed in this petition. Upon hearing both sides, after perusing the material case records and having stood over for consideration till this day, this Court delivers the following:

ORDER

The petitioner has filed this petition under Section 151 of the Civil Procedure Code, praying to substitute the Power of Attorney dated 03.11.2005, registered as Document No. 1845/2005 and marked as Ex.B6, with another Power of Attorney dated 03.11.2005, registered as Document No. 1846/2005.

2. Brief averments of the affidavit filed by the petitioners are as follows:

The first petitioner herein is the first defendant in the above suit, and the second petitioner/second defendant is the petitioner's wife. The suit property consists of an extent of 75 cents in Survey No. 109/1B of Vichoor village. Exhibits B1 to B16

were presented on behalf of defendants 1 and 2 through DW-1. There were two powers of attorney dated 03.11.2005 executed by the plaintiff, Mani, in favor of one Mr. V.V. Arasu. Document No. 1845/2005 pertains to Survey No. 109/2, while Document No. 1846/2005 pertains to Survey No. 109/1B, the suit survey number. Both documents, Nos. 1845/2005 and 1846/2005, were registered, and the registration copies were submitted. In the affidavit filed by DW-1, reference was made to Document No. 1846/2005, dated 03.11.2005. However, due to inadvertence, the registration copy of Document No. 1845/2005, dated 03.11.2005, was filed in court, as the parties were the same in both documents. This document was marked as Ex.B6. The mistake was only noticed when the documents were reviewed during the oral arguments. The error occurred inadvertently, and it is now suggested that a petition be filed to substitute Document No. 1846/2005 as Exhibit B6 in place of Document No. 1845/2005, which is currently marked as Ex.B6 in the court records. Hence this petition.

3. Brief averments of the counter filed by the respondent are as follows:

The respondent submits that the suit property admeasures 0.75 acres (75 cents), comprised in Old S.No. 109/1B. At the time of filing the written statement on 15.12.2011, there was no mention of the power of attorney dated 03.11.2005. In the additional written statement, they merely referenced the power of attorney dated 03.11.2005. Even when receiving the additional document, No. 1846/2005, it was not mentioned in the permission petition. Therefore, from the date of filing the first written statement on 15.11.2011, and while filing the additional written statement on 12.10.2022, the correct documents were not produced before this Court. Now, at the fag end of the proceedings, the substitution of the alleged document is not maintainable and should be dismissed as unsustainable. The additional written statement does not mention Document No. 1846/2005, dated 03.11.2005. The registration copies of the document are within the personal knowledge of the petitioner. During the marking of the documents, necessary verification and cross-

examination were conducted with the petitioner/defendant. The case is now posted for arguments, with the detailed written arguments already filed. The case is now listed for the defendant's side argument. The present petition for substitution of the document is not permissible under the law, as both sides have closed their evidence. Hence, the petition should be dismissed.

4. Evidence :

Neither the petitioners nor the respondents have placed any oral or documentary evidence before this court.

5. Point for determination :

Whether this petition can be allowed or not

6. Discussion and Findings :

6.1. Heard both parties and perused the records. The petitioners are the 1st and 2nd defendants in the suit, and the present petition has been filed seeking to substitute the Power of Attorney dated 03.11.2005, registered as Document No. 1845 of 2005, marked as Ex.B6, with another Power of Attorney of the same date, Document No.1846 of 2005. The petitioners contend that the substitution is sought due to an inadvertent error, as both documents were executed on the same date and involve the same parties. However, the respondent/plaintiff has raised objections, arguing that the substitution of documents at this stage of the proceedings, when the case is set for final arguments, is neither sustainable nor justified. They argue that the petition is filed at the fag end of the proceedings.

6.2. Upon considering the contentions of both parties, this Court is of the opinion that the suit is currently at the stage of defendant's arguments. At this juncture, a petition of this nature, seeking to substitute a document, is not maintainable without following due procedures. If the petitioners intended to introduce a new document at this stage, they should have filed the appropriate application in accordance with the established procedures. In the absence of a formal petition or due process being followed, this

Court cannot condone the substitution of documents at this late stage, as doing so would be contrary to the principles of justice and fair trial. The respondent/plaintiff has also raised valid concerns regarding the timing of the petition, which, if entertained, would cause unnecessary delays and prejudice the respondent's right to a timely conclusion of the suit. It is only by adhering to these procedures that a document could be properly admitted into evidence. In light of the foregoing, this Court is not inclined to entertain the present petition. The application is, therefore, dismissed.

7. Result:

In the result, this petition is dismissed. No costs.

Dictated by me to stenographer, transcribed and typed by her in her desktop, corrected and pronounced by me in the open court, on this the 23rd day of September 2025.

DISTRICT MUNSIF
PONNERI

Both side witnesses and documents:- NIL

DISTRICT MUNSIF
PONNERI

Fair/ Draft Order
I.A.No.8/2025
O.S.No.168/2011
Date:23.09.2025
DMC,PNI.