

IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.

**PRESENT: Tmt. V. Vannamalar, M.L., PGDIPR., PGD in CrI. & Fr.Sc.,
District Munsif, Ponneri.**

Tuesday, the 02nd day of January 2024

I.A.No.5/2023

in

O.S.No.52/2015

V.Rathinabai

.....Petitioner/plaintiff

-Vs -

1. Gruhalakshmi
2. Maharani
3. Janarthana Reddy (Died)
4. State represented by the District Collector
Tiruvallur District.
5. The Revenue Divisional Officer, Ponneri.
6. The Tahsildar, Ponneri.
7. Kala
8. Thirulogu
9. Praveen

.....Respondents/defendants

This petition came up for hearing on 02.01.2024, in the presence of Mr.T.Susairaj, learned counsel for the petitioner/plaintiff and Mr.R.Krishnaswamy, learned counsel for the respondents/defendants 1, 2, 7 to 9 and Mr.Nithyakumar, the Learned Government Pleader for the respondents 4 to 6. Upon hearing the arguments of both sides and on perusal of the material case records and having stood over for consideration before this court till this day, this court delivers the following

ORDER

This petition has been filed by the petitioner under Order VII Rule 14(3) of CPC to condone the delay in filing the documents mentioned in the petition.

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

The petitioner submits that she has filed the suit for declaration of title and for injunction along with other reliefs against the defendants. The suit is pending for

cross examination of PW2. The petitioner submits that being a 83 years old lady when she tried to search with the help of others for papers connected with the suit, she found the certain documents listed in the petition which are material to prove her right in the suit property. The petitioner states that there is no intentional delay in filing the said documents and that inspite of reasonable and meticulous search, the petitioner was not able to trace the said documents earlier. The petitioner states that if the delay in filing the said documents are not condoned, she will be put to irreparable loss and hardship and that if this application is allowed no prejudice or hardship would be caused to the respondents. Hence, this petition.

3. Brief averments of the counter filed by the 1st respondent and adopted by Respondents 2, 7, 8 and 9 are as follows:

The 1st respondent submits that the reasons given in the affidavit of the petitioner for condonation of delay caused in production of documents are not true. The 1st respondent also submits that the documents listed in the petition are immaterial to prove the case of the petitioner. Also the 1st respondent states that there is no specific reference at all made about the said documents in the plaint pleadings or in the chief examination proof affidavit of the plaintiff side witnesses. If at all the plaintiff wants to rely upon those documents unless and until there is a pleading in the plaint she can not rely upon those documents. Hence this petition is liable to be dismissed.

4. The counsel for the respondents 4 to 6 has made an endorsement in the petition that he has no counter to this petition.

5. Neither the petitioner nor the respondents have placed any oral or documentary evidence before this court. Now, it is the paramount duty of the court to decide whether this petition is to be allowed or not?

6. Heard both sides arguments. Records Perused.

7. On careful analysis, it is noted that the petitioners who is the plaintiff in the suit has filed the suit against the respondents/defendants for a relief of declaration of title and for injunction along with other reliefs. When the suit is pending for plaintiff's side evidence, this petition has been filed to grant leave to file the documents mentioned in the petition stating that the same could not be traced earlier and thus the delay caused in filing the same. On the other hand, the respondents disputed the admissibility and relevancy of the documents listed in this petition. The relevancy or the admissibility of the documents cannot be decided at this stage as it requires detailed evaluation of evidence. It is pertinent to view that if this application is allowed the respondents would have an opportunity for cross examination and to test the veracity of the evidence placed by the petitioner. Considering the above aspects and in the interest to meet the ends of justice this court is inclined to allow this petition whereby no prejudice would be caused to the respondents. Moreover, the marking of the said documents is subject to the proof, admissibility and its relevancy to the case. Considering the above, this court is inclined to allow this petition. However, to compensate the delay and expenses caused to the respondents as a result of this petition, this court is inclined to allow this petition on terms.

8. In the result, this petition is allowed subject to payment of costs of Rs.500/- payable by the petitioner to Respondents 1, 2, 7 to 9 on or before 12.01.2024. Call on 19.01.2024 for reporting compliance.

Dictated by me to the steno-typist, who directly typed the same, corrected and pronounced by me in the open court, on this the 02nd day of January 2024.

**Sd/-V. VANNAMALAR,
DISTRICT MUNSIF
PONNERI**

Both side witnesses and documents:- NIL

**Sd/-V. VANNAMALAR,
DISTRICT MUNSIF
PONNERI**

Fair/ Draft Order
I.A.No.5/2023
O.S.No.52/2015
Date: 02.01.2024
DMC,PNI.