

IN THE COURT OF THE DISTRICT MUNSIF, TIRUTTANI

**Present : Tmt. R.D. Gurulakshmi, M.A., M.L., P.G.D.I & C.L.,
District Munsif, Tiruttani.**

Dated the Friday of 13th Day of December 2024

I.A.No.4/2024 in OS.No.3/2021

(CNR.No.TNTR21-000003-2021)

P.S.KrishnanPetitioners/1 st Defendant
	/Versus/	
1. K. Elumalai		... 1 st Respondent/ Plaintiff
2. The Revenue Distirc Officer, Tiruvallur		
3. The District Collector, Tiruvallur		... 2,3 Respondents/2,3 Defendants

This petition came up before me for the final hearing on 03.12.2024 in the presence of M/s. S. Suresh, Advocate for Petitioners/1st Defendant, M/s. C.A. Natarajan, Advocate for 1st Respondent/ Plaintiff and 2,3 Respondents/2,3 Defendants were set exparty in suit. Upon hearing both sides and having stood over for consideration till this day, this court delivered the following:

ORDER

Petition is filed under order 8 Rule 1A (3) of CPC to receive the documents detailed in the petition.

1. Petition averments in brief are as follows:-

The documents filed herewith are relevant and necessary for proper adjudication of the above case. As they are recently obtained from the Sub-Registrar office, Tiruttani. The original documents is mortgaged some third party, hence the petitioner filed copy of document before this court. The petitioner could not be filed earlier. The documents the delay is neither willful nor wanton. Hence, this petition.

2. The counter filed on behalf of the 1st respondent averments in brief are as follows:-

The petition is not maintainable either in law or on facts. The petitioner himself executed a settlement deed in favour of the 1st respondent voluntarily and his 2nd son is also one of the attestor. But now they estopped and filed the partition deed which is not relevant. There is no banafide merits in this petition. Hence the petition

has to be dismissed.

3. Point for determination:-

Whether the petitioners are entitled to the relief as prayed for? or not?

4. Heard both side. According to petitioner, the petition documents are recently obtained from the Sub-Registrar office, Tiruttani. They are relevant and necessary for proper adjudication of the above case. The original documents is mortgaged some third party, hence the petitioner filed copy of document before this court. Hence he prays to allow this petition. The 1st respondent herein objected the petition stating that the petitioner executed a settlement deed in favour of the 1st respondent voluntarily and his 2nd son is also one of the attesor. But now they estopped and filed the partition deed which is not relevant. Hence the respondent prays to dismiss the petition.

5. The suit is pending for DW1 chief continuation. Further, mere receiving of the documents will not give any advantage to the petitioner, as the petitioner has to prove the validity of the document. No prejudice would be caused to the 1st respondent as the 1st respondent will have ample opportunity to cross examine the witness as to the document. Hence, this court is of view that in the interest of justice, to prevent multiplicity of proceedings, to provide the petitioner an opportunity to prove his case and for proper adjudication of the case, this petition has to be allowed.

In the result, this petition is allowed. No cost.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 13th day of December 2024.

Sd/- R.D.Gurulakshmi
13.12.2024
District Munsif,
Tiruttani.

Petitioner and Respondents side Exhibits and witness: NIL

Sd/- R.D.Gurulakshmi
13.12.2024
District Munsif,
Tiruttani.