

**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 Wednesday of 4th Day of September 2024

I.A.No.3/2024 in IA.No.2/2024 in OS.No.5/2024  
(CNR.No.TNTR21-000005-2024)

...

Elumalai

... Petitioner / Plaintiff

/Versus/

1. Gajendiran

2. Eshwaran

3. Baskar Alias Chandrababu

...Respondents/ Defendants

This petition came up before me for the final hearing on 30.08.2024 in the presence of M/s. S. Karthikeyan, E. Thanigairaj, Advocates for Petitioner/ Plaintiff and M/s. V. Reesar, Advocate for Respondents/ Defendants. Upon hearing both sides and having stood over for consideration till this day, this court delivered the following:

**ORDER**

The petition is filed Under Order 7 Rule 14(2) of CPC to receive the additional documents.

**2. The averments by petitioner in brief:-**

(a) The above case stands posted for petitioner/ plaintiff's side enquiry in I.A.No.2/2024. Further the petitioner have been marked plaintiff's documents as Ex.P1 to Ex.P11. In addition the petitioner wants to mark some more documents to prove his case. It is utmost require document to prove boundaries of suit property.

(b) Those documents are defendant's documents i.e., vendors documents that is sale deed Doc.No.3793/2016, dated 15.12.2016. sale deed Doc.No.2519/2015 dated 12.06.2015, Patta No.1098 stands in the name of 1st Defendant, Rough sketch of the suit property to explain the boundaries before and after purchase the suit property by the petitioner/plaintiff. Therefore the petitioner prays to condone the delay in receiving of documents. Hence, the petition.

**3. The counter filed on behalf of the Respondents in brief:-**

This petition is not maintainable either in law or on facts. The petitioner has not stated any reason for his delay and hence the delay is intentional. So it is liable to dismiss as it is filed in belated stage. The properties mentioned in the case are sold without any partition. The boundaries stated in the petition in I.A.2 of 2024 itself is self-served boundaries created with an intention to disturb the defendants' property. So the documents intended by the petitioner to file through the petition will not supportive to the petitioner. So the petition in the belated stage is not acceptable and liable to dismiss. Hence, the petition has to be dismissed with costs.

**4. Point for determination:**

Whether the petitioner is entitled to condone the delay in receiving the documents? or not?

5. Heard both side. According to petitioner, the above case was posted for petitioner/ plaintiff's side enquiry in I.A.No.2/2024. Further the petitioner have been marked plaintiff's documents as Ex.P1 to Ex.P11. In addition the petitioner wants to mark some more documents to prove his case. It is utmost require document to prove boundaries of suit property. Therefore the petitioner prays to allow this petition.

6. Respondents resisted the petition by contending that the properties mentioned in the case are sold without any partition. The boundaries stated in the petition in I.A.2 of 2024 itself is self-served boundaries created with an intention to disturb the defendants' property. So the documents will not supportive to the petitioner. So the petition in the belated stage is not acceptable. Hence the respondent prays to dismiss the petition.

7. This court is of view that an opportunity has to be given to the petitioner to prove his case. Further, mere receiving of the documents will not give any advantage to the petitioner as the petitioner has to prove the validity of the documents. No prejudice would be caused to the respondents as the respondents will have ample opportunity to argue as to the documents. 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 costs.**

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 4th day of September 2024.

District Munsif,  
Tiruttani.

Petitioner and Respondents side Exhibits and witness: NIL

District Munsif,  
Tiruttani.