

**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 22<sup>nd</sup> Day of August 2025

I.A.No.4/2025 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 13.08.2025 in the presence of M/s. S. Karthikeyan, E. Thanigairaj, Advocates for Petitioner/Plaintiff, 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**

This petition is filed under Order 7 Rule 14(2) to receive the additional document.

**1. The averments of the petition in brief are as follows:-**

The above case is posted for trial. The petitioner wants to mark the photo and CD of the suit property which is already filed when the time of filing of this suit. The petitioner unable to file Form 63(2) of Bharatiya Sakshaya Adhinyam 2023, it is neither willful nor wanton. It is utmost require to prove the petitioner's case. Hence the petitioner filed this petition.

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

This petition is not maintainable either in law or on facts of the case. The petitioner has not stated any reasons for his delay, hence the delay is intentional. The properties mentioned in this case are sold without any partition. Now the petitioner comes with this petition to file a CD and some photos along with form 63(2) of BNS in the belated stage is unacceptable. The burden to prove that the CD and Photos Form 63(2) of BNS is related to the photos filed by the petitioner at the time of filing the suit. So the petition filed in the belated stage is not acceptable and this petition is

liable to be dismissed with costs.

**3. Point for determination:**

Whether the petitioner is entitled to the relief as sought for? or not?

4. Heard both sides. According to petitioner, the photo and CD of the suit property is utmost require to prove the petitioner's case which is already filed at the time of filing of this suit. Hence the petitioner filed this petition. The Respondents resisted the petition by contending that the petitioner has not stated any reasons for his delay, hence the delay is intentional. The petition filed in the belated stage is not acceptable. Hence the respondents pray to dismiss this petition.

5. On perusal of record, on 02.04.2025 Pw1 examined in chief and this case was re-posted to Pw1 chief continuation on 09.04.2025. From 09.04.2025 to till date this case was posted to Pw1 chief continuation. In this stage petitioner filed this petition to receive the petition documents. Even though considering the fact and circumstances, no prejudice would be caused to the respondents, as the respondents will have opportunities to cross examine the witness as to the documents sought to be filed by the petitioner. Hence, 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 22<sup>nd</sup> day of August 2025.

District Munsif,  
Tiruttani.

Petitioner and Respondents side Exhibits and witness: NIL

District Munsif,  
Tiruttani.