

**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 29<sup>th</sup> Day of January 2025

I.A.No.4/2025 in OS.No.10/2017

(CNR.No.TNTR21-000010-2017)

G. Mageshkumar

...

... Petitioner / Plaintiff

/Versus/

1. E. Vijayaragavalu
2. E. Vanitha
3. C. Sculokchana(died)
4. Krishnaveni
5. Niksonneutomnevikin
6. Kuberan(died)
7. C. Ganesan
8. C. Harikrishnan(died)
9. C. Velan
10. C. Jothiswari
11. C. Hemavathi
12. C. Chinnapaiyan
13. C. Dinesh
14. Lakshmi
15. Kokila

...Respondents/ Defendants

This petition came up before me for the final hearing on 22.01.2025 in the presence of M/s. Neeraj, Advocate for Petitioner/Plaintiff, R3, R6, R8 were died, M/s V. Venkatesan, N. Balaji, P. Pichaimani, Advocates for 1, 2, 4, 5 Respondents/ 1, 2, 4, 5 Defendants, D7, D9 to D15 were set exparty in suit. 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) of CPC to receive the filing of documents.

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

The petitioner was unable to file the list documents. Some of the documents were misplaced and now only it is identified by the petitioner. Therefore the petitioner was unable to filed the document along with written statement. The delay has occasioned the document are willful to prove his case. The delay is neither

willful nor wanton. Therefore 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 respondent does not admit the allegations contained in the affidavit are all false and denied. This respondent adopt the written statement filed by the 1<sup>st</sup> defendant as counter in the above case. In the above petition the allegations filed by the petitioner in the affidavit are all belated one and for dragging on the proceedings in the above case. The documents mentioned in the affidavit itself shows that the petitioner has no locus standi to filed the above suit against the respondents where the petitioner has no right and title in respect of the suit property. There is no bonafide and merits in the above petition. Hence this petition to be dismissed.

**3. Point for determination:**

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

4. According to petitioner, some of the documents were misplaced and now only it is identified by him. Therefore the petitioner was unable to filed the document along with written statement. Therefore the petitioner prays to allow this petition. Respondents resisted the petition by contending that the allegations filed by the petitioner in the affidavit are all belated one and for dragging on the proceedings in the case. The documents mentioned in the affidavit itself shows that the petitioner has no locus standi to filed the above suit against the respondents where the petitioner has no right and title in respect of the suit property. There is no bonafide and merits in the above petition. Hence they pray to dismiss this petition.

5. Heard both sides. On perusal of record, the case was posted for Pw1 cross. This petition filed seeking permission to receive the additional documents. 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 cross examine the witness as to the documents. Further the respondent may raise their objection at the time of marking of documents regarding maintainability. 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, this petition has to be allowed.

In the result, this petition allowed. No cost.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 29<sup>th</sup> day of January 2025.

Sd/-R.D. Gurulakshmi  
29.01.2025  
District Munsif,  
Tiruttani.

Petitioner and Respondents side Exhibits and witness: NIL

Sd/-R.D. Gurulakshmi  
29.01.2025  
District Munsif,  
Tiruttani.