

**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 27<sup>th</sup> Day of November 2024  
I.A.No.3/2024 in IA.No.2 OF 2024 in OS.No.39/2024  
(CNR.No.TNTR21-000054-2024)

...

1. B. Krisnan  
2. K. Srinivasan @ Raji  
3. Purusothaman  
4. R. Sridar

... Petitioners/ Defendants

/Versus/

1. Muniammal  
2. N. Ponnusamy  
3. N. Sanker  
4. Jayalakshmi  
5. N. Balasubramaniam

... Respondents/ Plaintiffs

This petition came up before me for the final hearing on 18.11.2024 in the presence of M/s. C.A. Natarajan, Advocate for Petitioners/Defendants, M/s. A. Al Arfeen Ahamed, Advocate for Respondents/Plaintiffs. 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 mentioned in the petition.

**1. Petition averments in brief are as follows:-**

The petition was posted for petitioner's side evidence. The petitioner has to give evidence on his side and he has to mark documents. The petitioner got copy of documents now only which is material document to prove his case. Hence this petition.

**2. The counter filed on behalf of the respondents averments in brief are as follows:-**

The petitioner wrongly submitted as suit filed by him for bar injunction. Further he wrongly submitted the suit is posted for further evidence. Copy of the documents which are sought to be received by the 1<sup>st</sup> petitioner, were not issued to the

respondents. Moreover, the 1<sup>st</sup> petitioner had not submitted a single document to prove the encroached suit premises belongs to the Temple. The petitioner himself is not sure what stated in his affidavit, and the 1<sup>st</sup> petitioner had come up with averments which are not related to the case. That being the circumstances how does the petition survives, hence it must be dismissed with exemplary costs.

**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 petitioner got the copy of documents which are material documents to prove his case. Hence, the petitioner prays to allow this petition. The respondents herein objected the petition stating that the petition averments which are not related to this case. Under these circumstance, how does the petition survives, hence the respondents pray to dismiss the petition.

5. This petition filed seeking permission to receive the additional documents. Stating wrong averments in affidavit will not cause prejudice to the respondents as the respondents will have ample opportunity defend as to the documents. Hence, this court is of view that in the interest of justice, to prevent multiplicity of proceedings, to provide the petitioners an opportunity to prove their 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 27<sup>th</sup> day of November 2024.

Sd/-R.D. Gurulakshmi,  
27.11.2024  
District Munsif,  
Tiruttani.

Petitioners and Respondent side Exhibits and witness: NIL

Sd/-R.D. Gurulakshmi,  
27.11.2024  
District Munsif,  
Tiruttani.