

IN THE COURT OF THE DISTRICT MUNSIF AT TIRUTTANI

Present : Tmt. G. PRIYA, B.A.,M.L.,
District Munsif (FAC)
Tiruvallur

Wednesday, the 25th day of January 2023

I.A.No.1 of 2022
in
O.S.No.100 of 2014
(CNR No.TNTR1E-000059-2014)

Boopathi & Others

. . . Petitioners / Defendants

//Versus//

1. Rajeswari
2. Venkatapathy

. . . Respondents / Defendants

This petition is coming on 30.09.2022 for final hearing before me in the presence of Thiru V. Venkatesan, Counsel for petitioners / defendants, and Thiru G. Radhakrishna, Counsel for Respondents / Defendants, and upon perusing the case records and arguments and having stood over for consideration till this day and this Court delivered the following

ORDER

Petition filed under Order 8 Rule 1A(3) of CPC to condone the delay and receive the petition mentioned documents.

2. Gist of averment in petition :-

The petitioners have already filed Proof Affidavit on 21.12.2021, The enclosed documents were not filed along with the proof affidavit, since they were not found at that time. Now, the petitioners have traced out the documents and filed along with this petition and hence the delay occurred. Hence, prayed to condone the delay and to received the 3 documents. Hence, this petition.

3. Gist of averment in counter :-

The enclosed documents have no relevancy to the subject matter of the suit. V.A.O. true copy cannot be marked. Kist receipt has no relevancy for the house site. The petition is not maintainable in law and on facts. Hence, prayed to dismiss the petition.

4. Now the points for consideration is :

Whether this petition filed under Order 8 Rule 1A(3) of CPC is to be allowed ?

5. Points:-

Heard learned counsel for both parties. It is observed that, this petition is filed under Order 8 Rule 1A(3) of CPC to receive the documents on the side of the petitioners / defendants. Further, the Respondent / plaintiff has not made any vehement denial. The reason stated by the petitioner is not available in the proof

affidavit filed by the petitioner for the delay in filing these documents at this stage. Further, as no prejudice should be caused to the defendants, and for speedy disposal of the case and for giving reasonable opportunity to the petitioner / defendant, the default of the petitioner / defendant is hereby condoned.

6. Further, applying the principles laid down in Bibin Shanthilal citation, this court is inclined to receive the documents subjected to proof and relevancy during marking of the same in the trial of the case and evidentiary value of the documents would be considered during appreciation of evidence in the judgment stage. Further, for the delay in trial as prejudice is caused to the respondents / plaintiffs, in the result, this petition is allowed with cost to be paid to the respondents for a sum of Rs.1,000/- on or before 03.02.2023. C/o 03.02.2023.

Dictated to Steno Typist, and computerized by him directly, corrected and pronounced by me in open Court, this the 25th day of January 2023.

Sd/- G. Priya
District Munsif (FAC)
Tiruttani

List of Petitioners & Respondents side documents : N I L

Sd/- G. Priya
District Munsif (FAC)
Tiruttani

