

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 11th Day of December 2024

I.A.No.3/2024 in OS.No.35/2015

(CNR.No.TNTR21-000060-2015)

K. Anjaneyan

...

... Petitioner/ Defendant

/Versus/

Ankaiah

... Respondent/ Plaintiff

This petition came up before me for the final hearing on 29.11.2024 in the presence of M/s. V. Kishore Reddy, R. Vijayakumar, A.Akila, Advocates for Petitioner/Defendant, M/s. V.S.Velayudham, L. Sudhapriyan, Advocates for Respondent/Plaintiff. 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 listed in the petition.

1. Petition averments in brief are as follows:-

The petitioner has to file documents relating to the suit. Since now only the petitioner has traced and obtained some of the documents in respect of his property. There is a delay in filing the said documents. Hence the delay in producing his documents is to be condoned and received by this court. The balance of inconvenience would be on the side if the delay is not condoned. Hence, this petition.

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

The petition is not maintainable either in law or on facts. The documents mentioned in the petition are already available with the defendant and the said documents are already filed in OS.No.32/2012 on the file of this court. Now filed this vexatious affidavit and suppressing the said facts and for that reasons the petition may be dismissed.

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 has traced and obtained some of the documents in respect of his property. Hence, the petitioner prays to allow this petition. The respondents herein objected the petition stating that the documents mentioned in the petition are already available with the defendant and the said documents are already filed in OS.No.32/2012. Hence the respondents pray to dismiss the petition.

5. This suit is filed in the year 2015. The suit is pending for DW1 chief continuation. 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 respondent as the respondent will have ample opportunity to cross examine the witness 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 cost.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 11th day of December 2024.

Sd/- R.D.Gurulakshmi
11.12.2024
District Munsif,
Tiruttani.

Petitioner and Respondent side Exhibits and witness: NIL

Sd/- R.D.Gurulakshmi
11.12.2024
District Munsif,
Tiruttani.