

**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 Thursday of 20th Day of June 2024

I.A.No.1/2023 in OS.No.54/2016

...

1. Radhakrishnan (died)
2. Vijaya (died)
3. Neela
4. Kumari
5. Vedha
6. Dhanalakshmi
7. Saravanan
8. Mohan

... Petitioners 1 to 8 / Defendants 6, 11 to 17

/Versus/

1. S. Babu Naidu
2. Vanaja (died)
3. Manjula
4. Chiranjeevi
5. Chandrasekar
6. Venugopal
7. Sub Registrar, Tiruttani
8. Nagammal
9. Chandra
10. Indirani

...1st Respondent/Plaintiff

...2 to 10 Respondents/ Defendants 1 to 5 and 7 to 10

This petition came up before me for the final hearing on 11.06.2024 in the presence of M/s. R. Srinivasan, R. Rajeswara Babu, P. Praveena, S. Thulasi ammal, S.V. Sandhya, and N. Poovarasam, Advocates for Petitioners, M/s. V. Kishore Reddy, P. Yamuna, E. Vijaya Kumar, A. Akila, R. Indu Prabha, K.S. Ashok Kumar, V.K. Varshini, Advocates for 1st Respondent/Plaintiff, M/s. C.J. Srinivasan, R. Revathi, R. Indu Prabha, Advocates for Respondents 3 to 6 and Respondents 7 to 10 were set exparty in suit. 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) and read with under section 151 of CPC to condone the delay in receiving of documents.

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

The above case posted for defendant side evidence. The petition mentioned documents are recently obtained from various offices and they could not be filed earlier. The delay is neither willful or wanton. If opportunity is not provided to file the said documents, the petitioner will be put to serious and irreparable loss. Hence, this petition is filed to condone the delay in filing documents and to receive the same.

**3. The counter filed on behalf of the 1<sup>st</sup> respondent averments in brief are as follows:-**

The petition is not maintainable either in law or on facts. The documents are relevant documents and obtained now only are all false and denied by this respondent. The petition is highly belated one and this petition is to be dismissed in limini. There are no bonafides and no merits in this petition. Hence, the petition has to be dismissed with costs.

**4. The counter filed on behalf of the 3rd respondent and adopted by the respondent 4 to 6 averments in brief are as follows:-**

The petition is not maintainable either in law or on facts. The documents are relevant documents and obtained now only are all false and denied by this respondent. The petition is highly belated one and this petition is to be dismissed in limini. There are no bonafides and no merits in this petition. Hence, the petition has to be dismissed with costs.

**5. Point for determination:-**

Whether the petitioners are entitle to condone the delay in receiving of documents? or not?

6. Heard both side. According to petitioner, the above said case posted for

defendant side evidence. The petition mentioned documents are recently obtained from various offices and they could not be filed earlier. If opportunity is not provided to file the said documents, the petitioner will be put to serious and irreparable loss. Hence, this petition is filed to condone the delay in filing documents and to receive the same. Hence the petitioner prays to allow this petition.

6. Respondents resisted the petition by contending that the documents are no relevant documents on the case. The petition is highly belated one and there are no bonafides and no merits in this petition.

7. The respondents have not made any serious objections in the counter. No prejudice would be caused to the respondents, as the respondents will have opportunities to cross examine the Defendant side 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 costs.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 20th day of June 2024.

District Munsif,  
Tiruttani.

Petitioner and Respondents side Exhibits and witness: NIL

District Munsif,  
Tiruttani.