

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 13th Day of June 2024

I.A.No.1/2023 in OS.No.77/2022

...

Devi

... Petitioner / Plaintiff

/Versus/

1. Vanitha
2. Vijaya Kumar
3. Chellappa Reddy

...Respondents/ Defendants

This petition came up before me for the final hearing on 07.06.2024 in the presence of M/s. M. Suresh Kumar, S. Kirubakaran, Advocates for Petitioner and M/s. M. Baskar, Advocate for 1st and 2nd Respondents, and 3rd Respondent set exparte in suit. Upon hearing both sides and having stood over for consideration till this day, this court delivered the following:

ORDER

The petition is filed Under Order 7 Rule 14(2) of CPC to condone the delay in filing of documents.

2. The averments by petitioner in brief:-

The petitioner filed suit for permanent injunction. The list of document in the petition was unable to produce along with plaint by petitioner. Therefore the petitioner prays to condone the delay in filing of documents and permit her to mark on her side. Hence, the petition.

3. The counter filed on behalf of the 1st Respondent and adopted by 2nd Respondent in brief:-

This petition is not maintainable either in law or on facts. The petition mentioned 1st document no way relevant to this case. Further the petition filed by the petitioner is only to drag the proceedings and to harass this respondent and not to meet ends of justice. Hence prays for dismissal with costs.

4. Point for determination:

Whether the petitioner is entitle to condone the delay in receiving the documents? or not?

5. Heard both side. According to petitioner, the list of document in the petition was unable to produce along with plaint. Therefore petition filed to condone the delay in receiving the documents and permit her to mark on her side.

6. Respondents resisted the petition by contending that the petition mentioned the 1st document is no way relevant to this case. Further the petitioner filed this petition only to dragon the proceedings and to harass this respondent.

7. The petitioner alleges that list of document in the petition was unable to produce along with plaint. Therefore she prays to condone the delay in producing the documents. No serious objections raised on the side of respondent. This court is of view that an opportunity has to be given to the petitioner to prove her case. 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 Pw1 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 her 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 13th day of June 2024.

District Munsif,
Tiruttani.

Petitioner and Respondents side Exhibits and witness: NIL

District Munsif,
Tiruttani.

