

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 20th Day of November 2024

I.A.No.3/2024 in OS.No.67/2017

(CNR.No.TNTR21-000074-2017)

...

1. Premavathy

2. Periyasamy

...Petitioners/ 2,3 Defendants

/Versus/

1. Suresh kumar

2. Alexander

... 1,2 Respondents/ Plaintiffs

3. Moorthy (died)

... 3rd Respondent/1st Defendant

This petition came up before me for the final hearing on 12.11.2024 in the presence of M/s. A. Venugopal, Advocate for Petitioners/2,3 defendants, M/s. G. Kamalakanan, Advocate for 1,2 Respondents/Plaintiff, 3rd Respondent died. 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 above case is posted for Defendant side evidence. The petitioner filed written statement and mentioned in the petition documents. But due to non availability, petition mentioned documents could not filed along with the written statement. Further now only traced out the same and which are very crucial documents to their defence. Hence petitioner is needed to mark the same as exhibits on their side. Hence, this petition is filed.

2. The counter filed on behalf of the 1,2 respondents averments in brief are as follows:-

The petition is not maintainable either in law or on facts. The documents are untenable one and the judgment of criminal case is not at all relevant to file in his case and the same is inadmissible in evidence. The other documents mentioned in the

annexed petition are all copies received through RTI information and the same could to marked as per Evidence Act with out filing the RTI petition by concern person. The reasons mentioned are not bonafided one and the delay is inordinate one. The petition is highly belated one. Hence the petition has to 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 mentioned the petition documents in his written statement. But due to non availability, the same were not filed along with the written statement. Further now documents were traced out and produced. Hence the petitioner prays to allow this petition.

5. The respondents herein objected the petition stating that the documents mentioned in the petition all are no way related to the case. The petition mentioned documents are criminal judgment and copies received through RTI and the same could to marked as per Evidence Act. The petition is highly belated one. Hence the respondents pray to dismiss the petition.

5. The suit is pending for defendant side evidence. Further, mere receiving of the documents will not give any advantage to the petitioners as the petitioners have 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 provide the petitioner 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 20th day of November 2024.

Sd/- Gurulakshmi
20.11.2024
District Munsif,
Tiruttani.

Petitioners and Respondent side Exhibits and witness: NIL

Sd/- Gurulakshmi
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