

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 Tuesday of 19th Day of August 2025

I.A.No.4/2025 in OS.No.54/2019

(CNR.No.TNTR21-000076-2019)

...

1. P. Dhanapal

2. D. Sankar

... Petitioners /Plaintiffs

/Versus/

1. P. Munuswamy

2. Samanthi

...Respondents/ Defendants

This petition came up before me for the final hearing on 07.08.2025 in the presence of M/s. P. Kuppan, Advocate for Petitioners/Plaintiffs, M/s. A. Venugopal, D. Nagaraj, Advocates for Respondents/Defendants. Upon hearing both sides and having stood over for consideration till this day, this court delivered the following:

ORDER

This petition is filed under Order 7 Rule 14(3) to receive the additional document.

1. The averments of the petition in brief are as follows:-

The suit is filed for permanent injunction. The petitioners came to know about the registered settlement deed dated 26.08.2019 executed by the 1st defendant in favour of his wife namely Samanthi, 2nd defendant herein in respect of the ½ share of the suit property recently. Subsequently a petition filed to implead the 2nd defendant and the same was allowed. The right, title and interest over the suit property challenged in the above suit and to clear the cloud over the right, title and interest of the suit property. The petitioners are in need of amend the prayer to declaration of the plaintiffs right, title and interest over the suit property and for consequential injunction. In order to seek the above said relief, the market value of the suit property is to be ascertain. The petitioner is filing the guideline value of the suit property along with this petition. Therefore the petitioner filed this petition.

2. The counter filed on behalf of the Respondents in brief:-

(a) This petition is not maintainable either in law or on facts of the case. The suit property is belonged to petitioners and this respondents. Since the suit property orally partitioned between the 1st petitioner and this respondent before the village elders and then both of them enjoyed their respective shares. On 26.10.2021 the petitioners have got knowledge about the settlement deed stands in the name of 2nd respondent then only they have filed the application under Order 6 Rule 16 & 17 of CPC. But wantonly they did not seek the relief of declaration of right and title and declaration of settlement deed as null and void.

(b) Further the petitioners had filed the petition under Order 1 Rule 10(2) of CPC on 26.10.2021 and it has been numbered as IA.No.1/2021, in that application the petitioners had clearly and specifically mentioned as now only they have got knowledge regarding the registered settlement deed standing in the name of 2nd respondent. So on 26.10.2021 itself they have got knowledge about the same. Hence the petitioners ought to have been filed this petition within three years from the date of knowledge of the same i.e., 26.10.2021 to on or before 25.10.2024 itself. But the petitioners had wantonly and miserably failed to do the same and now only they had filed this petition with false and untenable allegations to deceive and defeat the respondents right and title over the suit property. So this petition is purely hit under limitation Act. Hence the petition has to be dismissed.

(c) The registered settlement deed dated 26.08.2019 stands in the name of 2nd respondent. So they have got knowledge about the same in the year of 2019 itself and they have wantonly suppressed the same. This respondent filed detailed written statement on February 2020 itself. So the petitioners has to be filed this application within 3 years from the date of written statement, i.e., on or before February 2023 itself. But they have miserably failed and now only filed this application. So this petition is purely hit under limitation Act. Hence the petition has to be dismissed on the grounds of Limitation aspects. The petitioners have filed several vexatious petitions to drag on the proceedings and abusing the process of law. Moreover the

petitioner has no locus standi to file this application, which is quietly contra to the earlier petition of under Order 6 Rule 16 & 17 of CPC filed by them. So the petition is highly belated one and the suit is already listed two times at this stage they have wantonly filed this petition to drag on the case. There is no merits or bonafide reasons in the petition. They had suppressed the material facts and approached this court with unclean hands. Hence this petition is liable to be dismissed with cost.

3. Point for determination:

Whether the petitioners are entitled to the relief as sought for? or not?

4. Heard both sides. According to petitioner, the petitioners are in need of amend the prayer to declaration of the plaintiffs right, title and interest over the suit property and for consequential injunction. In order to seek the above said relief, the market value of the suit property is to be ascertain. The petitioner is filing the guideline value of the suit property along with this petition. Hence the petitioners pray to allow this petition.

5. The Respondents resisted the petition by contending that they had filed this petition with false and untenable allegations to deceive and defeat the respondents right and title over the suit property. The petitioners have filed several vexatious petitions to drag on the proceedings and abusing the process of law. Moreover the petitioner has no locus standi to file this application. The petition is highly belated one and the suit is already listed two times at this stage they had wantonly filed this petition to drag on the case. There is no merits or bonafide reasons had in the petition. They had suppressed the material facts and approached this court with unclean hands. Hence the respondents pray to dismiss this petition.

6. On perusal of records, from 05.02.2021 to till date this case is pending for trial. In this stage petitioner filed this petition to receive the petition document. Even though considering the fact and circumstances, no prejudice would be caused to the respondents, as the respondents will have opportunities to cross examine the witness as to the document sought to be filed by the petitioners. Hence, in the interest of justice, to prevent multiplicity of proceedings, to provide the petitioners 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 19th day of August 2025.

District Munsif,
Tiruttani.

Petitioner and Respondents side Exhibits and witness: NIL

District Munsif,
Tiruttani.