

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 Friday of 10th Day of January 2025
I.A.No.6/2024 in OS.No.85/2018
(CNR.No.TNTR21-000094-2018)

...

1. Killiammal (died)
2. Eswari @ Devi
3. Karunakaran

...Petitioners / 1 to 3 Defendants

/Versus/

1. Periabban

...1st Respondent /Plaintiff

2. Tamil Nadu State, The District collector, Tiruvallur
5. The Tahsildar, Tiruttani
6. The Revenue Divisional Officer, Tiruttani
7. The Sub-Registrar, Tiruvelangadu

This petition came up before me for final hearing on today in the presence of M/s. R. Rajeshwara Babu, P. Praveena, S.V. Sandhya, Counsels for Petitioners/ 1 to 3 Defendants, 1st petitioner died, M/s. P.C. Santhya Rani, B. Chandrean, S. Swarnalatha, Advocates for 1st Respondent/ Plaintiff, Government Plaintiff appeared for R2 to R7. 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 8 Rule 1A(3) of CPC to receiving additional documents.

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

This case was posted for defendant side evidence. The petitioner filed documents in OS.86/2024 and he applied for certified copy. Some documents are misplaced. Hence the delay is neither willful nor wanton. Hence the petitioner may be permitted to marking of documents. Hence, this petition is filed.

2. The counter filed on behalf of the 1st Respondent in brief:-

The petition is not maintainable either in law or on facts of the case. The petition is highly belated and there is to confident in the petition. The petitioner only

to drag on the proceedings filed the above petition very belatedly filed. The plaintiff/defendant did not reveal patta issued in the name of petitioner's father Arasan in her written statement. The petition mentioned Doc.No. Patta cannot be marked since he did not mention it in written statement now the respondent objects to marking that document.

(b) The document No.2 mortgage deed mentioned in the petition is also not mentioned in the written statement filed by the petitioner. She has come with a new story at the time of trial. There is no pleading regarding this document. And it cannot be marked. The documents No.12 to 18 the kist receipts paid by the petitioner's father not mentioned in the pleading, hence these documents cannot be marked. The above mentioned documents not mentioned in the written statement hence they cannot be marked at this stage. The reason stated one is not at all justified and not acceptable. The documents in the name of petitioner's father patta No.201, mortgage deed and kist receipts cannot be marked. There is no merit in this petition. Hence the petition has to be dismissed.

3. **Point for determination:**

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

4. According to petitioner, the petitioner filed documents in OS.86/2024 and he applied for certified copy. Some documents are misplaced. Hence, the petitioner prays to allow this petition. The 1st Respondent resisted the petition by contending that the petitioner filed this petition only to drag on the proceedings. The petition mentioned documents are not mentioned in the written statement. Hence they cannot be marked at this stage. There is no merit in this petition. Hence prays to dismiss this petition.

5. Heard both sides. This petition filed by the petitioner seeking permission for receiving additional documents. 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 documents sought to be filed by the petitioner. 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 on costs.

In the result, this petition allowed on condition that the Petitioners have to pay a sum of Rs.500/- to the 1st respondent/plaintiff on or before 20.01.2025 failing which this petition stands dismissed. Call on 20.01.2025.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 10th day of January 2025.

Sd/-R.D. Gurulakshmi
10.01.2025
District Munsif,
Tiruttani.

Petitioners and Respondent side Exhibits and witness: NIL

Sd/-R.D. Gurulakshmi
10.01.2025
District Munsif,
Tiruttani.