

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 19th Day of June 2024

I.A.No.2/2021 in OS.No.85/2018

...

Periabban

... Petitioner / Plaintiff

/Versus/

1. Kiliammal (died)

2. Eswari @ Devi

3. Karunakarn

4. Tamil Nadu State, The District collector, Tiruvallur.

5. The Tahsildar, Tiruttani

6. The Revenue Divisional Officer, Tiruttani

7. The Sub-Registrar, Tiruvelangadu

...Respondents/ Defendants

This petition came up before me for the final hearing on 12.06.2024 in the presence of M/s. P.C. Santhya Rani, B. Chandrean, Advocates for Petitioner, 1st Respondent died, M/s. R. Srinivasan, R. Rajeshwara Babu, P. Praveena, Advocates for 2nd, 3rd Respondents, Government Pleader for Respondents 4 to 7 and Respondents 4 to 7 endorsed as no counter. 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 receiving documents.

1. The averments by petitioner in brief:-

The petitioner filed the suit against the respondents for declaration consequential injunction. The petitioner has already filed the documents such as 'A' Register, Adangal issued by VAO. But at this stage, the petitioner want to mark the certified copy of old 'A' Register, Adangal issued by Tahsildar, after getting court certificate now petitioner obtained the said documents. Therefore the petitioner wanted to file the said documents. Hence, the petitioner prays to condone the delay in filing of documents.

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

This petition is not maintainable either in law or on facts of the case. The

petitioner ought to have filed these documents at the time of suit itself by getting the same from the concerned office and hence these documents filed with inordinate and improper delay cannot be accepted by this court. The petitioner had filed this petition with malafide intention to drag the proceedings in order to coerce and harass this respondent from pillar to post without meeting ends of justice. Hence the petition is liable to be dismissed.

3. Point for determination:

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

4. Heard both sides. According to the petitioner, now only he obtained the certified copy of old 'A' Register, Adangal issued by Tahsildar. Therefore the petitioner wanted to file the said documents. Hence, he prays to condone the delay in receiving of documents.

5. Respondents resisted the petition by contending that the petitioner had filed this petition with malafide intention to drag the proceedings and to harass this respondent.

6. No serious objections raised on the side of respondents. This court is of view that an opportunity has to be given to the petitioner to prove his 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 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 19th day of June 2024.

District Munsif,
Tiruttani.

Petitioner and Respondents side Exhibits and witness: NIL

District Munsif,
Tiruttani.