

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 22nd Day of October 2024

I.A.No.3/2024 in OS.No.86/2018

(CNR.No.TNTR21-000085-2018)

...

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

... 1 to 3 Petitioners / 1 to 3 Defendants
/Versus/

1. Arumuam

... 1st Respondent / Plaintiff

2. Tamil Nadu State, The District Collector, Tiruvallur
3. The Tahsildar, Tiruttani
4. The Revenue Divisional Officer, Tiruttani
5. The Sub-Registrar, Tiruvalangadu

.. 2 to 5 Respondents/ 4 to 7 Defendants

This petition came up before me for the final hearing on 03.10.2024 in the presence of M/s. R. Rajeshwara Babu, P. Prveena, S.V. Sandhya, Advocates for 1 to 3 Petitioners / 1 to 3 Defendants, M/s. P.C. Santhya Rani, Advocate for 1st Respondent/Plaintiff. M/s. Government Pleader appeared for 2 to 5 Respondents/ 4 to 7 Defendants. 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 listed in the petition.

1. Petition averments in brief are as follows:-

The above case is posted for defendant side evidence. The petitioner applied for some of the documents from Sub-Registrar office, Tiruttani and given for translation also. Further he applied for some of the documents from Revenue Officer. Some of the documents were misplaced. Hence the delay is neither willful nor wanton. Hence, this petition is filed.

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

The petition is not maintainable either in law or on facts. The petition is

highly belated and there is no confidence in the petition. The petitioner only to drag on the proceedings filed the above petition very belatedly. The petitioner/ Defendant did not reveal anything about the Patta issued in the name of Petitioner's father Arasan in her written statement. The petition mentioned document Patta cannot be marked since he did not mention in written statement now the respondent objects to mark 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 these documents. And it cannot be marked. The documents Nos.12 to 18 the kist receipts paid by the petitioner father not mentioned in the pleading, hence these documents cannot be marked. The reason stated one is not at all justified and not acceptable. The documents in the name of petitioner's father Patta No.201 and Mortgage deed and kist receipts cannot be marked. There is no merit in the petition. Hence, the petition is liable to be dismissed with cost.

3. Point for determination:-

Whether the petitioners are entitled to the relief of delay in receiving of documents? or not?

4. Heard both sides. According to petitioners, petitioners had got the certified copies of documents and traced the misplaced documents. Hence the petitioner prays to allow this petition. The respondents herein objected the petition stating that the listed documents were not mentioned in the written statement. She has come with a new story at the time of trial. There is no pleading regarding these documents and they cannot be marked. Hence the respondent prays to dismiss the petition.

5. The suit is pending for defendant side evidence. This court is of view that an opportunity has to be given to the petitioners to prove their case. 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 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 22nd day of October 2024.

Sd/- R.D. Gurulakshmi
22.10.2024
District Munsif,
Tiruttani.

Petitioners and Respondents side Exhibits and witness: NIL

Sd/- R.D. Gurulakshmi
22.10.2024
District Munsif,
Tiruttani.