

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE(FTC),
VELLORE, VELLORE DISTRICT.

PRESENT: Tmt.P.REVATHY, M.A.,M.L.,
Additional District Judge(FTC).

Dated this the 23rd day of November 2023, Thursday

I.A.NO.5/2023 in
O.S.NO.54/2016

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|-------------------------|--------------------------------------|
| 1. Abrar Ahmed | |
| 2. Yasmeen | |
| 3. Asfiya | |
| 4. Farooque Ahmed(died) | ... Petitioners/Defendants 1,3,4 & 5 |

//Vs//

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|-------------------|---------------------------------|
| 1.Shamshad Begum | ..1st Respondent/Plaintiff |
| 2. Hajira Nasreen | ..2nd Respondent/2nd Defendant. |

This petition came up before me on 20.11.2023 for final hearing in the presence of Thiru.S.Babu, Counsel for the petitioners and of Thiru.K.Umar, Counsel for the 1st respondent and notice to 2nd respondent dispensed with on petition and upon hearing the arguments of petitioners sides and upon perusing the written argument filed by the 1st respondent and upon perusing the entire case records and having stood over for consideration, till this date this court delivered the following:-

ORDER

Petition filed by the petitioners under Or.8, Rule 1(A) 3 and Sec.151 of CPC prays to receive the petition mentioned documents.

2.The averments of the affidavit as follows:-

The 1st petitioner herein is the 1st defendant in the suit and the other

petitioners are defendants 3 to 5. The 1st petitioner filed the affidavit on behalf of himself and also on behalf of the defendants 3 to 5. The suit was filed by the Plaintiff for declaration of her alleged title and for possession. The entire case has been cooked up by her in order to knock away the suit properties and in order to expose her true attitude and to prove that her case is utter falsehood, the 1st petitioner has to file certain documents which are detailed in the accompanying petition. These documents could not be filed earlier as they were mixed up with his business records and have been retrieved very recently. Hence, there is no delay in production of the documents. Hence the petitioner filed this petition and prays to allow the petition.

3. Brief averments of the counter filed by the 1st respondent is as follows:-

This petition is not maintainable either in law or on facts. All the affidavit averments are denied except those that are admitted by the respondent herein. As the affidavit averments are false, the petitioners have not stated any other valid reason for not filing the said documents. The documents were created and obtained subsequent to the filing of the suit by this respondent and that is the reason the petitioners failed to file the same along with the written statement or even within the time granted by this court while framing issues.

The documents are perse invalid and are cooked up except the registered documents and even validity of the few documents of registration

is also invalid. This respondent object for marking the said documents. The petitioners have not shown any reason to condone the delay. The petition without seeking condonation of delay in receiving the documents itself is invalid and this respondent prays to dismiss the petition.

4. The point for consideration in this petition is;

1. Whether the petition has to be allowed or not?

5. Point:

The petitioners stated that the suit was filed by the Plaintiff for declaration of her alleged title and for possession. The entire case has been cooked up by her in order to knock away the suit properties and in order to expose her true attitude and to prove that her case is utter falsehood the 1st petitioner has to file certain documents which are detailed in the accompanying petition. These documents could not be filed earlier as they were mixed up with his business records and have been retrieved very recently. Hence, there is no delay in production of the documents.

But the 1st respondent denied the allegations and stated that the petitioners have not stated any other valid reason for not filing the said documents. The documents were created and obtained subsequent to the filing of the suit by this respondent and that is the reason the petitioners failed to file the same along with the written statement or even within the time granted by this court while framing issues. The documents are perse invalid and are cooked up except the registered documents and even validity

of the few documents of registration is also invalid. This respondent object for marking the said documents. The petitioners have not shown any reason to condone the delay. The petition without seeking condonation of delay in receiving the documents itself is invalid.

On perusal of records, it is seen that at the time of defendants side evidence, the present petition has been filed and the petitioners have stated that the documents now filed were mixed with their business documents and could not be filed earlier and the said documents are very vital to prove that the case of the respondent is false. Even though the respondent stated that the petitioners have filed the present petition after 5 years only to drag on the proceedings and have not furnished any reason to condone the delay but not made any serious objections with regard to the documents filed along with this petition. The point to be considered in this petition is whether the documents can be received after condoning the delay in filing the same. The respondent has not made any serious objection for receiving the documents. The proof and relevancy of the documents can be decided only at the time of marking the documents. The defendants side evidence have not been commenced and hence in the interest of justice and in order to avoid multiplicity of proceedings, the present petition may be allowed and the documents can be received subject to proof and relevancy.

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In the result, this petition is allowed. No cost.

Dictated to steno typist directly, typed by her, corrected and pronounced by me in open court, this the 23rd day of November 2023.

**Additional District Judge(FTC)
Vellore.**

Both side witnesses and Exhibits:

NIL

**ADJ (FTC),
Vellore.**

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE(FTC),
VELLORE, VELLORE DISTRICT.

PRESENT: Tmt.P.REVATHY, M.A.,M.L.,
Additional District Judge(FTC),Vellore.

Dated this the 23rd day of November 2023, Thursday

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O.S.NO.54/2016

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1. Abrar Ahmed, aged 52 years, S/o.Late.Abdul Razack @ Asmath Basha Sahib, Muslim, residing at No.5/2, Kattur Sadayappan Street, 2nd Floor, Periyamet, Chennai.
2. Yasmeen, aged 53 years, W/o.Alauddin, D/o.Late.Abdul Razack @ Asmath Basha Sahib, Muslim, residing at No.5/2, Kattur Sadayappan Street, 2nd Floor, Periyamet, Chennai -3.
3. Asfiya, aged 51 years, W/o.Liyakath Ali, D/o.Late.Abdul Razack @ Asmath Basha Sahib, residing at No.5/2, Kattur Sadayappan Street, 2nd Floor, Periyamet, Chennai -3.
4. Farooq Ahmed (died), aged about 62 years, S/o.V.Haji Md. Sadiq Sahib, residing at No.26, Malang Road, Pernambut, Gudiyattam Taluk, Vellore District.

... Petitioners/Defendants 1,3,4
and 5

//Vs//

1. Shamshad Begum, aged about 56 years, W/o.Late.Abdul Razack @ Asmath Basha Sahib, Muslim, House wife, residing at No.58/350, Patel Yacoob Sahib Street, Fort, Vaniyambadi, Vellore District.

..1st Respondent/Plaintiff

2. Hajira Nasreen, aged 53 years, W/o.Faslur Rahman, D/o.Late.Abdul Razack @ Asmath Basha Sahib, residing at No.5/2, Kattur Sadayappan Street, 2nd Floor, Periyamet, Chennai -3

..2nd Respondent/2nd Defendant.

Petition filed by the petitioners under Or.8, Rule 1(A) 3 and Sec.151 of CPC prays to receive the petition mentioned documents.

This petition came up before me on 20.11.2023 for final hearing in the presence of Thiru.S.Babu, Counsel for the petitioners and of Thiru.K.Umar, Counsel for the 1st respondent and notice to 2nd respondent dispensed with on petition and upon hearing the arguments of petitioners sides and upon perusing

the written argument filed by the 1st respondent and upon perusing the entire case records and having stood over for consideration, till this date this court doth order and decreetal order as follows:-

DECREETAL ORDER

1. That the petition be and the same is hereby allowed;
2. That there is no cost.

Given under my hand and the seal of this court, on this the 23rd day of November 2023.

**Additional District Judge(FTC),
Vellore.**