

IN THE COURT OF DISTRICT MUNSIF, GUDIYATTAM, VELLORE DISTRICT.

**Present : Thiru.M.N.Rajanandhivarmasiva, B.E., M.L.,
District Munsif, Gudiyattam.**

Monday, the 25th day of March 2024

IA.1/2023 in OS.No.39/2020.

CNR.No.TNVL10-000107 – 2020

Latha.

...Petitioner/Plaintiff.

// Versus //

1. Munirathinam.
2. Jayakumar.
3. Ganesh.
4. Palani.
5. Kuppan.
6. Pannerelvam.
7. Subramani.

...Respondents/Defendants.

This petition came up on 25.03.2024 before me for final hearing in the presence of **Thiru.K.Moganaraju, B.Sc., B.L.,, Advocate** for Petitioner/Plaintiff **Thiru.K.M.Boopathi, M.L., Advocate** for Respondents/Defendants upon hearing both sides and having stood over for consideration, this court delivered the following

ORDER

Petition filed Under Order 7 Rule 14(1) of CPC to condone delay in filing the list of documents and pass such other orders in the circumstances of the case.

1. Brief Averments of the Petition :-

1.1. The petition mentioned documents at the time of filing the above suit said documents mixed with other documents and now only petitioner found the said documents and other documents are later to the filing of the suit and hence petitioner

is filing the said documents of this Court. Petitioner is unable to collect the above said vital documents. The delay filing of the said documents is neither wilful nor wanton and the same is excusable one or otherwise petitioner will be put to serious loss and hardship.

2. Brief Averments of the Counter :-

2.1. Documents filed along with the petition are available with the petitioner and he wantonly and intentionally failed to file the same in the above said case immediately. Hence, all the documents filed the petitioner along with the petition could not be received and mark the same through the petitioner. There is no valid and sufficient reasons for non-filing of petition mentioned documents within time and filed the present application with bald allegations.

2.2. The petition mentioned documents are no way related to the present suit and matter in dispute and in order to drag the proceedings and harass this respondent. Therefore dismiss the petition with cost.

No documents or evidences produced or adduced on either side.

IV. Point for Considerations: -

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

Heard both sides and records perused

This Court perused the petition mentioned documents filed by the petitioner. This Court forms opinion that the reason stated by the petitioner in his affidavit is acceptable in nature. Further, this Court on perusal of the above documents found

that the same would be relevant to decide the matter in issue between the parties and would be necessary in order to arrive a final conclusion in this case. Mere receiving of documents would not amount to adjudication of the rights of the parties, as the relevancy and admissibility of the documents can be considered at time of trial. Further the petitioner should also be provided with an opportunity to substantiate his case. Hence, this Court in the interest of justice and to avoid multiplicity of proceedings inclined to allow this petition.

In the result this petition is allowed no order as to cost.

Directly Dictated to Steno typist, typed by her corrected and pronounced by me in the open Court on this the 25th day of March 2024.

**Sd/-M.N.Rajanandhivarmasiva,
District Munsif,
Gudiyattam.**

Both side Witnesses and Exhibits :- Nil

**Sd/-M.N.Rajanandhivarmasiva,
District Munsif,
Gudiyattam.**