

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

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

Wednesday, the 13<sup>th</sup> day of December 2023

**IA.2/2023 in OS.No.199/2013**

**CNR.No.TNVL10-000121 – 2019**

1. Loganathan.
2. Munirathinam.

...Petitioners/Defendants 1 and 2.

**// Versus //**

1. Saleem basha (Died)
2. Maseetha Katheen.
3. Mohammed Zayeem.
4. Azima Zaheena.
5. Sara Zaheena.
6. Mohammed Zabeer.
7. A.Shammel Ahmed.

...Respondents/Plaintiffs.

This petition came up on 13.12.2023 before me for final hearing in the presence of **Thiru.G.Ramachandran, M.A.,B.L., Advocate** for Petitioners/Defendants 1 and 2 **Thiru.A.L.Suresh Babu, B.Sc., B.L., Advocate.**, for the Respondents/Plaintiffs upon hearing both sides and having stood over for consideration, this court delivered the following

### **ORDER**

**Petition filed Under Order 8 Rule 1(A) and Section 151 of CPC to condone the delay that occurred in filing the schedule mentioned documents and admit the same to render justice and pass such other order or orders.**

#### **I. Brief Averments of the Petition :-**

- 1.1. The documents filed along with this petition were misplaced with old

documents and the same are traced out only today and hence petitioner was able to file the same along with our written statement the delay occurred in filing the petition schedule mentioned documents is neither wilful nor wanton. Filing the petition schedule mentioned documents and admit the same to render justice as otherwise petitioner will be put to hardship and irreparable loss.

## **II. Brief Averments of the Counter :-**

**(Filed by the 7<sup>th</sup> Respondent and other Respondents adopted by the same)**

2.1. All the documents filed by the petitioner along with the petition could not be received and mark the same through the petitioner. Now the petitioner in order to harass the respondents filed the present application with false and baseless allegations with intention to drag the proceedings.

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 filed the present application and thereby made an attempt to mark irrelevant documents in the suit. The original suit is pending for the past 10 years namely from the year 2013 onwards. Now the present application is unnecessary and filed with ulterior motives. There is no merit in the present application. Therefore dismiss the petition with cost.

**No documents or evidences produced or adduced on either side.**

## **III. 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 proceeding 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 13<sup>th</sup> day of December 2023.

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

Both side Witnesses and Exhibits :- Nil

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