

IN THE COURT OF DISTRICT MUNSIF, GUDIYATTAM, VELLORE DISTRICT

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

Wednesday, the 17th day of August 2022

IA.1/2022 in OS.No.78/2020.

CNR.No.TNVL10-000188 – 2020

Mayavel.

...Petitioner/Plaintiff.

// Versus //

- 1.Sivakumar.
- 2.Kuppusamy.
- 3.Kamaraj.
- 4.Kumaresan.
- 5.Murugan.

...Respondents/Defendants.

This petition came up on 17.08.2022 before me for final hearing in the presence of **Thiru.R.Loganathan., B.Sc., B.L., Advocate** for Petitioner/Plaintiff **Thiru.M.V.Jagadeesan., M.A., B.L., Advocate.,** for the 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 (3) and Section 151 of CPC to pass orders permitting the petitioner/plaintiff to produce the under mentioned document in the above suit and receive the same in evidence on his behalf at the hearing of the suit and pass necessary orders under the circumstances of the case.

I. Brief Averments of the Petition :-

Petitioner and the plaintiff in the above suit. Petitioner have filed the above suit against the Respondents/Defendants for the declaration of his possessory title over the suit temple and also for a permanent injunction restraining them from interfering into his possession and enjoyment of the suit property. Manaivari Patta and other relevant documents relating to the temple, Order of delivery of site Boomi patta have

been issued in his favour by the Revenue authorities in respect of the suit property and petitioner have omitted to file the same at the time of presenting the above suit as they were not available at that time. Petitioner able to find out the same a seek back his search of the said document in his house. The said documents are vital documents for the above suit and petitioner have to produce the same to support his case. Petitioner have not deliberately omitted to file the said documents at the time of the plaint was presented.

II. Brief Averments of the Counter :-

(Filed by the 3rd Respondent other 1,2,4 and 5 Respondents adopts the same)

The petitioner failed to mentioned where he has got the documents and how he has got it and how far the said documents are material records for this case. The RDO filed counter statement in Writ petition before the Hon'ble High Court stating that no patta has been issued to the suit temple and same may be forged and fabricated one and he also mentioned that they are referring the matter to initiate "Goondas" proceedings against the petitioner while so, all the documents filed by the petitioner is forgery one and it cannot be marked and same can be marked by summoning to the competent authority who has issued it and same will prove the genuiness of the document. The petitioner cannot file all those document since the same is not in the name of the petitoenr and it cannot be marked as exhibits in the above case. Hence, he has wantonly filing the above petition. The petitioner is filing petition by petition with intention to drag on the proceedings and harasses this Respondent. So, all the petition averments are calse and created for the purpose of filing this petition. Petitioner has filed the above petition with ulterior motive drag on the proceedings.

The petitioner has filed the above petition with intention to harass this respondent.

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. Considering the fact and circumstances of this petition, there is 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 17th day of August 2022.

Sd/-M.N.Rajanandhivarmasiva,

**District Munsif,
Gudiyattam.**

Petitioner side Witnesses and Exhibits :- Nil

Respondents side Witnesses and Exhibits :- Nil

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

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

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CNR.No.TNVL10-000188 – 2020

Mayavel, aged 45 years S/o Chandrasekar, Hindu.

Residing at 1/25, Melvaithiyanakuppam Village and Post, Gudiyattam.

...Petitioner/Plaintiff.

// Versus //

1.Sivakumar, aged 48 years S/o Rathina Goundar, Hindu.

Residing at Ramar Koil Street, Melvaithiyanakuppam Village and Post,
Pernambut Taluk, Vellore District.

2.Kuppusamy, aged 48, S/o Rathina Goundar, Hindu.

Residing at Ramar Koil Street, Melvaithiyanakuppam Village and Post,
Pernambut Taluk, Vellore District.

3.Kamaraj, aged 35 years S/o Rajamanickam, Hindu.

Residing at Main Road, Melvaithiyanakuppam Village and Post,
Pernambut Taluk, Vellore District.

4.Kumaresan, aged 45 years S/o Thangavel, Hindu.

Residing at Ramar Koil Street, Melvaithiyanakuppam Village and Post,
Pernambut Taluk, Vellore District.

5.Murugan, aged 46 years S/o Singaram, Hindu.

Residing at Main Road, Melvaithiyanakuppam Village and Post,
Pernambut Taluk, Vellore District.

...Respondents/Defendants.

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This petition came up on 17.08.2022 before me for final hearing in the presence of **Thiru.R.Loganathan., B.Sc., B.L., Advocate** for Petitioner/Plaintiff **Thiru.M.V.Jagadeesan., M.A., B.L., Advocate., for the** Respondents/Defendants upon hearing both sides and having stood over for consideration, this court delivered the following

DECRETAL ORDER

- 1.That the petition is be and hereby allowed.
- 2.That there will be no order as to cost.

Given under my hand and the seal of this court on this the 17th day of August 2022.

Sd/-**M.N.Rajanandhivarmasiva,**

**District Munsif,
Gudiyattam.**