

**IN THE COURT OF DISTRICT MUNSIF, KATPADI, VELLORE DISTRICT
PRESENT: THIRU. K.VENKATESAN, B.A., B.L.,
DISTRICT MUNSIF, KATPADI**

Saturday, this the 3rd Day of September – 2022

**I.A.No.2 of 2022
in
O.S.No.36 of 2014
(CNR.No.TNVL230000892014)**

1. Kasi Ammal
2. S.Selvam
3. S.Rajendran
4. S.Suresh
5. R.Porkodi
6. G.Krishnaveni
7. V.Dhanabakyam

.....Petitioners/Defendants

-Vs-

Malliga

.....Respondent/Plaintiff

This petition is coming before me for orders today and upon hearing the arguments of Thiru. J.Punitha Kumar, Counsel for the Petitioners and Thiru. V.Balu, Counsel for the Respondent and perusing the entire case records, and having stood before this court for consideration till this date, this court delivers the following:

ORDER

1. This petition has been filed by the petitioners under order VIII Rule 1A(3) of Civil Procedure Code to receive the documents mentioned in the petition.

2. **Brief averments of the affidavit filed by the petitioners are as follows:**

The petitioners are the defendants in the main suit. The respondent/plaintiff filed the above suit for partition against the petitioners/defendants. The defendants filed written statement and additional written statement for more and additional important matters in the above suit. The petitioners are intend to file the receive documents which is stated

in the list of documents in belated time because they applied some documents and now they have got the same. This delay was neither wilful and nor wanton. Hence, the petitioners have filed the petition seeking leave of this court to receive the documents enclosed with the petition.

3. **Brief averments of the counter filed by the respondent is as follows:**

The respondent states that the petition filed by the petitioners is neither maintainable in fact nor in law and she denies the entire averments mentioned in the petition except those that are specifically admitted herein. The listed documents are all cooked up and forgery and those are filed belated. Hence, this petition is liable to be dismissed.

4. Neither the petitioners nor the respondent have placed any oral or documentary evidence before this court. Now, it is the paramount duty of the court to decide whether this petition is to be allowed or not?
5. Heard both side arguments. Records perused.
6. Upon careful consideration of the case records, and arguments placed on both sides it is noted that the main suit has been filed for the partition of the suit property into 5 equal shares and to allot one such share to the plaintiff and to appoint an advocate commissioner to effect the division of the suit property and to direct the defendants to deliver possession and for permanent injunction restraining the defendants from alienating from the suit property till the partition is effected by metes and bounds and also for costs. When the suit was pending for the defendants side evidence, this petition has been filed seeking for the leave of this court to receive the documents mentioned in the petition before this court.
7. The contention of the learned respondent counsel that the listed documents are forgery & created for the purpose of the suit, cannot be decided at this interlocutory stage as the

same requires detailed evaluation of evidence. It is pertinent to view that if this application is allowed the respondent/plaintiff would have an opportunity for cross examination and to test the veracity of the evidence placed by the petitioners/defendants. Considering the above aspects and in the interest of the ends of justice, this court is inclined to allow this petition whereby no prejudice would be caused to the respondent. However, marking of the said documents are subject to the proof and its relevancy to the case.

8. **In the result, considering the above discussions, in the interest of justice, this petition is allowed. No costs.**

-//Dictated by me to the steno-typist, who directly typed the same and corrected and pronounced by me in the open court, on this the 03rd day of September – 2022.//-

DISTRICT MUNSIF
KATPADI

Both sides documents and witnesses: Nil

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