

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

Thursday, this the 21st Day of December – 2023

**I.A.No. 9 of 2023
In
O.S.No. 144 of 2014
(CNR.No.TNVL23-000103-2014)**

George

.....Petitioner/Defendant

-Vs-

Lalitha

..... Respondent/Plaintiff

This petition has come up today before this Court for orders, and upon hearing the argument of Thiru. D.Ravi, the Counsel for the Petitioner, and Thiru. G.Ravi, the Counsel for the Respondent, and upon perusing the petition along with documents, counter & the case records, and having stood over for consideration till this date, this Court delivers the following:-

ORDER

This petition has been filed by the petitioner under Order VIII Rule 1(3) and Section 151 of Code of Civil Procedure to admit the petition mentioned documents-1 to 6 for defence in the above suit.

1. **Brief averments of the affidavit filed by the petitioner is as follows:-**

The petitioner is the defendant in the above suit, and the respondent/plaintiff had filed the above suit for Permanent Injunction, and he had filed written statement and unable to file the documents relevant to this suit, and the suit is going on trial and he wants to examine in coming hearing of the suit, hence he want to file the documents relevant to this case in order to establish his defence and prayed to allow the petition.

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

The petition filed by the petitioner to receive the documents mentioned in the petition is not maintainable either in law or on facts. The respondent denies all the allegation and averments mentioned in the petition are as false, and states that the petitioner's main aim is to drag the respondent endlessly to the Court, and the petition mentioned documents such as Patta, Chitta, Adangal are not related to this case and prayed to dismiss the petition with costs.

3. Neither the petitioner nor the respondent had placed any oral or documentary evidence before this Court.

4. **Point for Consideration:-**

a) Whether this petition is entitled to be allowed or not?

5. **Answering to the Point:-**

5.1 Both sides has been heard. Records perused. Upon careful perusal of this case records including the petition along with the documents relied, counter and upon considering the both side arguments, it is found that the plaintiff (who is respondent herein) has filed the above suit for Permanent Injunction against the defendant (who is petitioner herein) restraining him, his men, servants, staff, agents, assigns, heirs, successors in interest, representatives,

authorized persons, relatives, others etc., from any manner interfering in the plaintiff's peaceful possession and enjoyment over the suit property, and for costs.

5.2 In the present case on hand, the defendant had entered appearance through Counsel and had filed his written statement, and then, this Court framed necessary issues as early as on 07.04.2015 itself. On perusal of written statement, the defendant has taken defence that the plaintiff has no right, title or interest over the suit property, and she is not in possession of the same, and the defendant claims that he is alone absolute owner of the entire extent of 1.56.0 Hectare in S.No.144/2B, and he is in possession and enjoyment of the plaint schedule mentioned property. On careful scrutinize the list of documents-1 to 6, this Court finds that those documents are Originals, and the defendant has pleaded elaborately in his written statement in the line of those documents, and those are more-fully connected to the defence version.

5.3 Hence, this Court feels that if the documents are received, the respondent/plaintiff would have opportunity to dispute the documents at the time of tendering in evidence. Further, in this case, the defendant side evidence is not commenced yet. Considering the above all, this Court is of the view that the contentions of the respondent/plaintiff is not sustainable. Hence, this Court opine that it can be received in evidence on the side of petitioner/defendant.

5.4 Considering the said facts and circumstances of the case, this Court is of the view that no pre-judice will be caused to the respondent/plaintiff if the documents are allowed to be produced and will not change or alter the rights. Further, this Court feels that this petition is only to receiving the documents and it will not defeat the case of the plaintiff/respondent. In the interest of justice, a fair opportunity will be given to the plaintiff/respondent to cross-examine

the defendant/petitioner with regard to such documents. Hence, in the interest of the ends of justice, this Court is inclined to allow this petition. Accordingly, this point is answered in favour of the petitioner.

6. **Result:-**

From the above discussions, this petition is allowed and the documents listed along with the petition are received in evidence on the side of petitioner/defendant on subject to proof, relevancy and its admissibility, and there shall be no order as to 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 21st Day of December – 2023.//-

Both sides documents and witnesses: - **Nil**

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