

IN THE COURT OF THE DISTRICT MUNSIF, VANUR

PRESENT: Thiru.D. PONVENTHAN, B.Tech., M.L.,
DISTRICT MUNSIF, VANUR.

Thursday 24th day of April 2025

IA.No.146/2025 in OS.No.48/2021

Shanmugam.

...Petitioner/Plaintiff

..Versus..

Raji.

...Respondent/Defendant

Having heard this petition in the presence of Mr.J.Felix Maghizhan, Counsel for Petitioner/Plaintiff and Mr.A.Kothandam, Counsel for Respondent/Defendant and on perusing the entire records, this court on merit doth the following:

ORDER

2.PETITION IN CRUX:

The petitioner has filed the original suit against the respondent seeking for the relief of declaration declaring the settlement deed dated 18.08.2011 as null & void and permanent injunction restraining the respondent from interfering with the peaceful possession and enjoyment of the petitioner. The petitioner has filed the photo copy of the WILL of the year 1977 and now intends to file the certified copy of the said WILL and prayed for receiving the said WILL in the original suit and to mark the same on the side of petitioner. Hence this petition.

3. COUNTER IN CRUX:

The respondent objected for receiving and marking of the WILL dated 25.11.1977 stating that the petitioner has filed only the certified copy of the WILL and not the original WILL.

4. POINT TO DETERMINE:

The issue that has to be decided in this petition is that whether the delay can be condoned for filing the document in belated stage ?

5. DISCUSSION:

On perusal of case records it reveals that the instant petitioner has filed the original suit against the instant respondent seeking for the relief of declaration declaring the settlement deed dated 18.08.2011 as null & void and with bare injunction. The original suit is pending in the stage of trial. Now the petitioner has filed this petition seeking for condoning the delay in filing the certified copy of the WILL and sought for receiving the same. On the otherhand the respondent has vehemently objected to receive the certified copy of the WILL.

On perusal of plaint it reveals that the petitioner has already filed the photocopy of the said WILL along with plaint. Now the petitioner only intends to replace the same with the certified copy. The petitioner has not introduced any new document to the suit. The petitioner has merely seeking to replace the said WILL with photo copy. This court opines that mere allowing this petition will not make the WILL as proved one. It is the petitioner who has to prove his case through proper evidence and documents. This court being a trial court has to give reasonable opportunity to both sides for proving their respective cases. Under such circumstances, in order to meet the ends of Justice, this Court is

inclined to condone the delay in filing the instant WILL dated 25.11.1977 by allowing this petition and accordingly this petition is allowed.

6. In the result, this petition is allowed.

Dictated to Steno typist typed by him and correct by and Pronounced by me in the Court, on this 24th day of April 2025.

**District Munsif,
VANUR.**

Petitioner side Witnesses: ...NIL...

Petitioner side Exhibits:

EX.P1	25.11.1977	Certified copy of registered WILL in favour of Somasundara Gounder vide Document No.19/1977.
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Respondent side Witnesses: ... NIL...

Respondent side Exhibits: ...NIL...

**District Munsif,
VANUR.**

