

**IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE
VIRUDHUNAGAR**

Present : Thiru. **T.V.Hemanandakumar, B.A.,L.L.M.**,
Additional District Judge, Virudhunagar

Saturday, the 06th day of January, 2024

I.A.No.5/2023 in IA No.57/2022 in OS No. 85/2021

S.Ramar ... Petitioner/Petitioner/Plaintiff

Vs

S.Muthuraman ... Respondent/Respondent/Defendant

This petition came up on 04.01.2024 for final hearing before me in the presence of Thiru.D.Dhanachandra Prakash, Learned advocate for the Petitioner /Plaintiff and the respondent called absent and upon considering all material records in this case and hearing the argument and having stood over till this day for consideration and this court doth deliver the following

ORDER

Petition filed under Order 7 Rule 14(A) of CPC to receive the documents.

2. It is alleged in the petition that the this petitioner has filed another application against the respondent for breach of injunction order. That petition is pending for hearing and in the meantime, the petitioner got the copy of order in writ petition and copy of the injunction order in IA No.182/2021 and those documents are necessary for the purpose of decision in the interlocutory application. So, the petition may be allowed.

3. The respondent filed counter contending that the petitioner filed IA No.57/2022 against this respondent for not obeying the order passed by this court. The order passed by this court in IA No.182/2021 is an exparte order. This petitioner has filed petition to set aside the order in IA No.48/2022 and the same is pending. In the meanwhile, this petition is filed only to waste the valuable time of this court. This respondent has filed detailed counter and that petition can be

disposed of with that counter.

4. There is no evidence on both sides.

5. The point for consideration is Whether this petition deserves to be allowed?

6. Heard and documents perused.

7. Point:

The petitioner is the plaintiff in this case. The petitioner filed the suit for partition and during the pendency of the suit, the petitioner filed IA No.182/2021 for temporary injunction against the respondent. That petition was allowed on 30.02.2022. Then, this petitioner filed another application IA No.57/2022 stating that this respondent has breached the order of injunction and interfered with the possession of the petitioner. That petition is pending for enquiry. Now, for the purpose of proving the petitioner's averment in IA No.57/2022, the documents mentioned in this petition are sought to be marked.

8. The only contention on the side of respondent is that the respondent has filed IA No.48/2022 to set aside the order in IA No.182/2021 and also contended that this petition is only to delay the proceedings.

9. The documents filed with this petition are copy of the order in writ petition and copy of the order in IA No.182/2021. Those documents are relevant to the facts of this case and the petitioner has to be given opportunity to file these documents to prove his case. Hence, this court is of the view that this petition has to be allowed.

10. In the result, this petition is allowed. No order as to costs.

Dictated to the steno-typist, typed by him, corrected and pronounced by me in open court, on this the 06th day of January, 2024.

Additional District Judge,
Virudhunagar.

Petitioner side witness and exhibits:

Nil.

Respondent side witness and exhibits:

Nil.

Additional District Judge,
Virudhunagar.

Additional District Court
Virudhunagar
I.A.No.5/2023 in IA No.57/2022 in
OS No. 85/2021
Order
Dated: 06.01.2024
