

In the Court of Subordinate Judge, Aruppukottai

**Present : Thiru. V. Ramalingam, B.Sc., B.L.,
Subordinate Judge, Aruppukottai.**

I.A.No.2/2022 in O.S.No.128/2017

Monday, the 17th Day of October 2022

Krishnan ... Petitioner/3rd Defendant

/ Vs/

1. Panchavarnam

2. Lakshmi ... Respondents/Plaintiffs

This Application came up for final hearing before me on 10.10.2022 in the presence of Thiru. N. Solairaj, Advocate for the Petitioner/3rd Defendant and Thiru.P. Rajendran Advocate for the Respondents/Plaintiffs and upon hearing the arguments on both side and upon perusing the records, having stood over till this date for my consideration, this Court passed the following

ORDER

1. This Application has been filed by the Petitioner/3rd Defendant Under Order 8 Rule 3(A) and Section 151 CPC.

2. Brief averments of Petition : -

The case is posted for examination of Defendants side. The place in which the petition mentioned documents kept is not known to the Petitioner. Now, the Petitioner has filed the petition mentioned documents and the documents are necessary to prove the Petitioner's case and to be marked in the side of the Petitioner. Hence, this application is to be allowed.

3. Brief averments of Counter of Respondents/Plaintiffs:-

The Respondents/Plaintiffs have filed the main suit for partition. If the petition mentioned documents are fair, the Petitioners will add the 2nd, 4th Defendants as party in this petition. The 2nd, 4th Defendants have not agreed to file the petition mentioned document and hence, the petition mentioned documents are a forged one. The petition mentioned documents are fabricated one. The Petitioner has filed fabricated document by suppressing the real facts. The father of Respondents/Plaintiffs had not executed any Will and that Will is forged one. If the said Will is in the hands of Petitioner, he will file the said Will during filing of written statement. Hence, this

application is to be dismissed with the cost of Respondents.

5. Point for consideration in this Application is whether this Petition is to be allowed or not?

6. **Point:-**

Heard both sides. Perused available records.

7. The Petitioners have filed this Application to receive the petition mentioned document and to mark them in his side. Eventhough, the Respondents have vehemently opposed this application by stating that the Petitioner has not added the 2nd, 4th Defendant and the petition mentioned documents are forged one, this court feels that there is a possibility to decide about the genuineness of the documents during enquiry. Further, eventhough the Respondents have opposed this application, they have not stated in their counter as what kind of prejudice would cause if at all this application is allowed. Hence, this court feels that a fair opportunity will be given to the Petitioner, since this is court of first instance. Hence, considering the facts and circumstances of this application and to putforth both side case before this court to decide the suit on merit, this court grants opportunity to the Petitioner.

8. In the result, this application is allowed. No cost.

Dictated to the Stenographer and transcribed and typed by her in the computer and after correction, this Order is pronounced by me in the Open Court this the 17th day of October 2022.

Subordinate Judge,
Aruppukottai.

Witnesses examined on the side of the Petitioner, Respondents:- Nil

Documents marked on the side of Petitioner, Respondents:- Nil

Subordinate Judge,
Aruppukottai.

Sub Court, Aruppukottai
I.A.No.2/2022 in O.S.No.128/2017
Order dated: 17.10.2022