

IN THE IV ADDITIONAL CITY CIVIL COURT, CHENNAI

**Present: Tmt.R.K.P. Tamilarasi,M.L.,
IV Additional Judge.**

Monday, the 08th day of September 2025

I.A.No. 5 of 2024

in

O.S.No.4448 of 2021

C.N.R.No.TNCH01- 018458-2021

N. Prakash,
S/o.Late.A. Natesan,
Door No.58/45, M.A. Garden
Pillaiyar Kovil Street,
Vanniya Teynampet,
Chennai-600 018.

...Petitioner/Plaintiff

versus

1. N. Gopinath,
S/o.Late.A. Natesan
2. N. Subashini,
D/o.Late.A. Natesan
Respondents 1 and 2 residing at
Door No.58/45, M.A. Garden
Pillaiyar Kovil Street,
Vanniya Teynampet,
Chennai-600 018.
3. Anumanthan,
H/o.Late.N. Rani
4. S. Nadhiya,
D/o.Anumanthan
5. Naresh,
S/o.Anumanthan
6. Muthulakshmi,
D/o.Anumanthan
Respondents 3 to 6 residing at
No.17A, Achuthan Nagar,
4th Street, Ekkaduthangal,
Chennai-600 032.

...Respondents/Defendants

This petition came up before me for final hearing on 21.08.2025 in the presence of M/s.S. Kesavan, V. Lakshmi, B. Palani Velrajan Counsel appearing for the petitioner/plaintiff and of M/s.C. Parthiban, R. Narayanan Counsel appearing for the respondents 1 and 2 and the respondents 3 to 6 were set exparte in the suit itself and upon hearing the arguments from the counsels for both side, upon perusing the records of this case and having stood over for consideration till this day, this Court passed the following

ORDER

This petition has been filed petitioner/plaintiff Under Order VII Rule 14 (2) Read with 151 C.P.C. to permit the petitioner/plaintiff to file the discharge Summary of Plaintiff's father (Late) Natesan dated 11.01.2021 issued by the Royapettah Government Hospital, Chennai, as additional document in the above suit.

02. Brief averments made in the affidavit of the petition:-

The petitioner/plaintiff has filed the suit for declaring the Settlement Deed dated 26.08.2020 vide document No.657/2020 at the Office of the joint Sub Registrar-I, Central Chennai with respect to 620 sp.ft. Executed by the petitioner father Late.A.Natesan in favour of the 1st defendant which is more fully described in the Schedule- B as null and void and not binding on the plaintiff and for passing a Preliminary Judgment and Decree against the defendants directing division of the Suit Schedule-A property and allot 1/4th share to the

plaintiff and for permanent injunction against the 1st defendant, his men, agents, servants or any one claiming right either under or through him in any manner alienating or encumbering the suit Schedule-B property.

The petitioner father late.A.Natesan was suffering from Parkinson's disease, septic encephalopathy and septic shock disease and he was admitted in Royapettah Government Hospital at Chennai on 25.12.2020 for treatment and discharged on 11.01.2021. The Royapettah Government Doctor issued an a discharge summary about his father's disease, how long period he had been affected by the disease and also description of treatment was given to his father and subsequently his father was died on 25.01.2021. Before filing the suit the petitioner approached his previous counsel Mr.Siddarth and narrated entire material facts relating to the medical history of his Late father, thereafter the suit has been prepared and filed by his counsel and same is pending before this Court. It is further stated that the petitioner was under impression that the entire facts and events narrated to the previous counsel were stated in the plaint. The meanwhile his previous counsel called on him and returned the case bundle with change vakalat, as he could not continue his case, due to his personal reasons. Immediately the petitioner engaged the present counsel to proceed with the above suit and his present counsel after perusing the entire case papers advised him to file an amendment petition to add the material facts of a medical history of his deceased father and the settlement deed under which circumstances it

came to exist so as to determining the real question involved in the suit and file a petition for receive the additional document of Discharge Summary of his father dated 11.01.2020. In turn when the petitioner asked the previous counsel for not mentioning the about the ill health and discharge summary of his father and he replied that it was due to inadvertence but not wanton nor willful.

The petitioner searched everywhere with care and due diligence the above said documents were not traceable and the petitioner became helpless and upset and finally now the petitioner found a photocopy of the discharge summary of his father dated 11.01.2021 and the original discharge summary is under the custody of 1st defendant. Hence the petitioner have filed photo copy discharge summary of his father dated 11.01.2021. The document sought to be receive a additional document in the suit proceedings is directly relevant and bearing on the main issue determining the real question involved in the suit and the interest of justice also warrants the same. The delay caused is purely due to the circumstances stated above. Hardships, irreparable loss, mental agony to him and the merits of the case would go unheard and lead to multiplicity of proceedings. Hence, prayed to allow this petition.

03. Brief averments made in the counter of the 1st respondent:-

The petitioner/plaintiff has no right to ask this defendant for partition of the suit properties as alleged in the plaint and he has no any share in the said properties which were already settled in favour of the respondents-1 &

2/defendants 1 & 2 by their father Late.A.Natesan. The petitioner/plaintiff has no right, title, interest or any claim in the properties as mentioned the plaint, because he has already acquired his respective 1/2 share in the another property which is more fully clearly set out above and he also selfishly enriched another 1/2 share without giving to the Late.N.Rani's legal heirs viz, the defendants 3 to 6 herein. It is absolutely illegal and he has no right to clandestinely retain the 1/2 share of the defendants 3 to 6 in his illegal custody. The petitioner/plaintiff has well settled with his respective share besides he illegally possessed and enjoyed another 1/2 share which is proportionate share of Late.N. Rani's legal heirs viz, the defendants 3 to 6, while the facts that being so, the petitioner/plaintiff has intentionally and fraudulently made false statements and suppressed the material facts for the purpose of misleading the court, he has not approached this court with clean hands and filed the present vexatious suit with a view to simply to harass this defendant and he has no locus standi to file the vexatious suit against the defendants and he is not entitled to seek any relief as against this defendant.

The 1st respondent filed the detailed written statement and counter affidavits In I.A.No.2/2021, I.A.No.3/2021 and I.A.No.6/2024 with tenable contentions in the above case and thereby stoutly denying the fictitious allegations contained in the plaint and the written statement and counter affidavits may be treated as part and parcel of this counter affidavit. The

Settlement Deed dated 26.08.2020 vide document No.657/2020 before joint Sub Registrar-I, Central Chennai in respect of the suit “B” schedule property has been executed, registered and settled to and in favour of the 1st respondent/1st defendant by Late.A.Natesan is legally valid, effective and binding on the petitioner/plaintiff and not arise any question about the said settlement which hold credibility and sanctity. The facts that being so and during the pendency of the above suit, the petitioner/plaintiff has filed I.A.No.3 of 2021 to file some other fictitious documents and subsequently, he has again filed I.A.No.5 of 2024 before this Court for seeking permission to file the purported discharge summary of Late.Natesan dated 11.01.2021 and there is no need to produce documents which is irrelevant to the above suit. The petitioner has unnecessarily tried to produce the above said documents as additional documents which were nothing to do in the above O.S.No.4448 of 2021 only with a view to fill up the lacuna in the above matter. There is no possibility or feasibility to this court to permit the petitioner is the to file the alleged document after the defendants filed their written statements. There is no proper explanation given by her in the affidavit filed in the above I.A as to why the petitioner file the present petition to file the unnecessary document and the petitioner cannot take advantage of his own with wrong intention and the present petition is liable to be dismissed as not maintainable. Moreover the said document is prior to the filing the suit then what prevented them to file the same along with the suit. The present Interlocutory Application is abuse of process of Court. Further there is no iota

of material favouring the petitioner/plaintiff to seek permission to amend the plaint. There is no equity in favour of the petitioner/plaintiff to seek the relief of permission to file alleged document and the same should be dismissed with exemplary costs. Hence, prayed to dismiss the above petition.

04. Point for consideration :

Whether this petition is to be allowed or not?

05. No document was marked and no oral evidence was adduced by either side for this petition.

06. Point:-

The petitioner/plaintiff filed the suit seeking for declaration the petitioner/plaintiff has filed the suit for declaring the Settlement Deed dated 26.08.2020 vide document No.657/2020 at the Office of the joint Sub Registrar-I, Central Chennai with respect to 620 sp.ft. Executed by the petitioner father Late.A.Natesan in favour of the 1st defendant which is more fully described in the Schedule- B as null and void and not binding on the plaintiff and for passing a Preliminary Judgment and Decree against the defendants directing division of the Suit Schedule-A property and allot 1/4th share to the plaintiff and for permanent injunction against the 1st defendant, his men, agents, servants or any one claiming right either under or through him in any manner alienating or encumbering the suit Schedule-B property.

07. The petitioner/plaintiff stated that his father late.A.Natesan was suffering from Parkinson's disease, septic encephalopathy and septic shock disease and he was admitted in Royapettah Government Hospital at Chennai on 25.12.2020 for treatment and discharged on 11.01.2021. The Royapettah Government Doctor issued an a discharge summary about his father's disease, how long period he had been affected by the disease and also description of treatment was given to his father and subsequently his father was died on 25.01.2021. Hence, it is necessary to produce the discharge summary of the plaintiff's father issued by the Royapettah Govt. Hospital, Chennai, dated 11.01.2021.

08. On the other hand, the respondent/1st defendant filed his counter stating that those document is not at all necessary to receive in this case since the father of the plaintiff already executed a settlement deed in favour of the first defendant dated 26.08.2020 in respect of suit 'B' schedule property. The plaintiff also given a share of $\frac{1}{2}$ in another property and enjoyed another $\frac{1}{2}$ share, which is proportionate share of late Rani's legal heirs, the defendants 3 to 6 herein. The plaintiff suppressed the above facts and filed this above suit. There is no necessity to amend the plaint pleadings with regard to the father of the plaintiff, who was hospitalized and taking treatment in the hospital.

09. Heard both sides and perused the records. The plaintiff wanted to amend the plaint with regard to his father's treatment in the Hospital and he wanted to produce discharge summary of his father. If the petition would not be allowed it will cause multiplicity of proceedings. In several Judgment of Hon'ble High Court directed that liberal approach to be given to the either parties for amending the pleadings with regard to the reasonable grounds. To avoid multiplicity of proceedings, this Court is inclined to allow this petition. There is no prejudice caused to the respondents/defendants.

In the result, this petition is allowed. No costs.

This Order has been dictated by me to the steno typist directly and computerized by her, corrected and pronounced by me in the open Court on this Monday, the 08th day of September 2025.

IV Additional Judge,
City Civil Court, Chennai

Both side witness examined and exhibit marked:Nil

IV Additional Judge,
City Civil Court, Chennai.

Draft/Fair Order
in
I.A.No.5/2024
in
O.S.No.4448/2021
Dated:08.09.2025.

IV Additional
City Civil Court,
Chennai.