

IN THE XII ASSISTANT CITY CIVIL COURT AT CHENNAI

Present: **Tmt.P.Sudha**, B.Com., L.L.B.,

XII Assistant Judge

Thursday, the 12th day of February, 2026

I.A.No.05 of 2025

in

O.S. No.7968 of 2022

(CNR.No.TNCH01-032787-2022)

M/s.Rajendra C.Jain HUF,
a Hindu Undivided Family Firm
Rep by its Manager and Karta,
Mr.Rajendra C Jain.

-Petitioner/plaintiff

-Vs-

1.Mr.N.Danapal
2.Mr.K.Naveen
3 Mr.Ramesh

- Respondents/defendants

This petition came up before me for final hearing on 06.02.2026 in the presence of M/s.T.Srikanth, T.Shrinikethan, Counsels for the Petitioner/plaintiff and M/s.S.Selvakumari, Counsel for 1st Respondent, M/s.R.Thiagarajan, Vasudha Thiagarajan, K.Seetharaman, Counsel for 2nd respondent, R3 exparte in main suit, upon perusal of case records, after hearing the arguments of both sides and having stood over for consideration till this date, this court delivers the following:-

ORDER

This petition was filed under Order VII Rule 14(3) of CPC., to receive the documents listed in petition.

2.Brief averments of the petition is as follows:-

The petitioner states that the petitioner filed the suit for the recovery of the sum of Rs.6,58,920/- and costs being the amount and due and payable by the defendants in respect of a promissory note executed in his favour. The plaint filed herein any be treated as part and parcel of this affidavit. The petitioner have got through the written statement filed by the defendant in the above matter. The defendant is denying the consideration. Therefore the petitioner advised to file the documents mentioned in the list to support of the case of the plaintiff. 1. Pocket Diary(3 nos), 2.Broker letter with enclosure. The said documents are very material to prove his case. If the said documents are not filed, plaintiff will be put to serious hardship and irreparable loss will result to the petitioner. Under these circumstances it is just and necessary that this court may be pleased to receive the said documents, described in the list hereto and prays to allow the petition.

3.Brief averments of the counter by R1 is as follows:-

The respondent denied the allegations and averments contained in the affidavit filed along with the above petition. The present petition for receiving of additional documents filed by the petitioner/ plaintiff is not maintainable both in law and facts and such is liable to be dismissed in limine. The petitioner /plaintiff has filed the suit even in the year 2022 under Order 37, Rule 1 of CPC., Therefore even at the time of filing the suit itself it is expected of the plaintiff to produce all the documents that where his possession in as much as the plaintiff had made the court to believe that there would not be any sustainable defense from the defendants and that the claim could be allowed in a

summary manner. When that is the case, the present petition to receive additional documents now being filed is unsustainable. The present documents now being sought to be filed are filed only after the written statement of the defendants. Therefore it is crystal clear, that these documents are being filed only to fillup the lacuna, which is not permissible under law. There is no whisper or pleading supporting the documents in the plaint and as such no documents could be received by this court unless they are supported with necessary pleadings such as how the documents came into existence, including execution etc., the custody with whom it was till now and the reason why they were not produced at the time of filing of the plaint. Absence of such pleadings renders the documents to be inadmissible in evidence. The admissibility of the documents is also to be decided as the prime question in as much as letter dated 20.09.2019, 18.07.2019, 21.08.2019 are all much later to the date of the filing of the suit. If at all the plaintiff feels that these documents were only under the custody of so called finance agent Vijay M Jain, he could have produced the said Vijay M Jain as a witness and marked the documents through him, affording the opportunity to the respondents of cross examining the finance agent who is already alleged by the defendants to have fabricated the plaint documents. One of the documents is claimed to be a pocket book, it is not known as whose pocket book the same is and in whose hand writing the same has been written. The raises a serious issue with regard to the admissibility of the documents which needs to be addressed as the primary issue, even before the receipt of the said documents. The contention of the petitioner remain unexplained and as such they said documents not to be received and prays to dismiss

the petition.

4.Brief averments of the counter by R2 is as follows:-

The above suit has been filed by M/s.Rajendra C.Jain HUF Rep by its Manager and Karta Mr.Rajendra C.Jain for recovery of Rs.6,58,920/- together with future interest 1.60% per annum on Rs.4,17,000/- from the date of the suit till realization. The claim of the plaintiff is on the date of the suit till realization. The claim of the plaintiff is on the strength of the promissory note dated 20.04.2019, 20.04.2019 & 20.04.2019 purported to have been executed by this defendant along with N.Danapal, and Ramesh. The 2nd respondent has filed his detailed written statement refusing the plaintiff allegations the suit as framed by the plaintiff under Order XXXVII Rule 1 and 2 is not maintainable as against the 2nd respondent along with N.Danapal and Ramehsh since the 2nd respondent never had any transaction along with N.Danapal and Ramesh as such the plaintiff has committed fraud against the respondent as well as on court. The suit having been laid as summary suit the plaintiff is trying to introduce extraneous matters and documents in support of its plea viz., broker reply letter to the plaintiff with 5 enclosures and a pocket book which have been manipulated, fabricated for the purpose of the case. There is absolutely no whisper or mention about the enclosures submitted by broker reply letters to the plaintiff with 5 enclosures and a pocket book in support of the plaintiff's claim. Since the suit having been filed as an under chapter suit the plaintiff is not entitled to travel beyond his pleadings and beyond the documents which have been filed at the inception of the suit. The plaintiff at this stage solely with a view to over come the lacuna the said documents have been introduced. Further the

alleged pocket book has not been disclosed in the plaint and not supported by any attending documents to place the genuineness of the entries therein and as such cannot be received in evidence. The purported letter and annexures said to have issued by the finance broker are not mentioned in the plaint. Further the purported letters also does not find a mention in the plaint, in the absence of the same, the said letter with the annexures cannot be received. The petitioner advised to state that in the absence of pleadings no amount of evidence can be let in and as such these documents cannot be received in evidence. Further the alleged screenshots are manipulated and distorted and not supported by certificate as required under Section 63(4) of the Bharatiya Sakshya Adhiniyam Act 2023 has not been filed and in the absence of the same all the documents are liable to be rejected. The respondent advised to state any amount of evidence which has not been pleaded in the plaint ought not to be looked in to and not received by this court. The procedure contemplated has been explained under Order XXXVII Rule 7 and as such the plaintiff is not entitled to invoke order VII Rule 14 (3) of CPC., which provision is inapplicable to the suit which was filed as a summary suit. The application filed by the petitioner/plaintiff does not satisfy the requirement of law and in such circumstances having chosen to avail the benefit under Order XXXVII Rule 1 and 2 the petitioner/plaintiff cannot turn around and say these documents are necessary or essential for establishing its claim. Admittedly the promissory note would indicate no payment and in as such as the documents ought to be relied upon have been manufactured for the purpose of the litigation. Those documents cannot be considerable not received, the application lacks bonafide devoid of merits and liable to

be rejected and dismissed and accordingly and prayed to dismiss the petition.

5.Point for consideration :-

Whether this petition can be allowed or not ?

6. Heard the arguments on both side and perused the records.

7. The petitioner would contented that the plaintiff has filed the suit for recovery of money through promissory note against the defendants and the defendants in the written statement denied the passing of consideration and therefore in order to prove the same the petitioner has filed pocket diary, broker letter with enclosures and hence prayed to receive the same.

8. Per contra, the 1st and 2nd respondent filed counter stating that the in a under chapter suit under Order XXXVII Rule 1 of CPC, the plaintiff is expected to produce all the documents and therefore the present application is unsustainable and the said documents are filed to fillup the lacuna after the filing of written statement. The respondent would contented that the without supporting pleadings the petitioner has filed the document and therefore the said documents are in admissible in evidence and the letter dated 20.09.2025, 18.07.2019, 21.08.2019 are all after the filing of the suit and the pocket diary doesn't reveal the fact as whose pocket the same is and whose hand writing the same has been written and hence the said document cannot be received.

9. Heard both sides.

The petitioner would contented that for proving the passing of consideration to the pronote the petitioner is filing the Broker letter, and Pocket diary. On perusal,

Doc.No.1 is the letter issued by Vijay M Jain to plaintiff and the xerox copy of certificate issued by Kotak Mahindra Bank in favour of Vijay M Jain. Doc.No.2 to 4 are the pocket diary maintained by plaintiff, Sheetal Kumar and by Varun Doshi. As rightly pointed out by the respondent counsel the broker letter relates to Vijay M Jain and the said letters are issued in favour of the plaintiff and to his power agent and some letters by plaintiff to Vijay M Jain. Therefore the petitioner at the time of marking can get the true copy or original copy of the said letters and can mark the same. Further the email and the certificate issued by the bank pertains to Vijay M Jain and therefore the said documents cannot be marked through the plaintiff or his power agent and further the said documents needs certificate under section 65BSA and the pocket diary which is filed by the plaintiff can be received since receiving of the documents is different from proving and therefore this court considers that the said documents can be received subject to proof and relevancy at the time of marking.

In the result, the petition is allowed subject to proof and relevancy.

No costs.

//Directly dictated to steno-typist, computerized by her, corrected and pronounced by me in the open court this the 12th day of February 2026.//

**XII Assistant Judge,
City Civil Court, Chennai.**

Both side Witnesses and Exhibits :- Nil

**XII Assistant Judge,
City Civil Court, Chennai.**