

**IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE
KANCHEEPURAM DISTRICT AT CHENGALPATTU**

Present: Tmt.K.Kayathri, M.A.B.L.

Additional District Judge,
Chengalpattu.

Tuesday, the 6th day of February.2024

I.A.No.2/2023 in O.S.No.260/2014

S.Antony Michael

..Petitioner/Plaintiff

-Vs.-

1.Reji Chacko

2.P.C.Kurien

3.Robin Chacko

4.Rosh Chacko

5.M.Siddiq @ Abu Bakkar

6.Mallikannisa

....Respondents/Defendants

This Petition coming before this court on 31.01.2024 for final hearing in the presence of M/s.R.Sugumar, A.Sakthivel and another, counsels for the Petitioner/plaintiff and M/s.G.Balasubramanian, counsel for the 6th Respondent / 6th defendant and Respondents.1 and 2/ defendants.1 and 2 set exparte and Respondents.3 to 5 / defendants.3 to 5 remained exparte in the suit and upon hearing the arguments of both sides and perusing the material records and having stood over for consideration till this day, this Court delivered the following:-

ORDER

This Petition filed by the Petitioners/plaintiffs under Order VII Rule 14 (3) of CPC to grant leave for the petitioners to file the additional documentary evidence as detailed in the petition.

2. The petition averments in brief as follows:-

The petitioner is the plaintiff in the suit. The petitioner has filed the above suit for permanent injunction and for other relief. The petitioner has already filed some documents to disprove the contention of the defendants. Since some of the material documents which are vital to prove petitioner's case are to be filed and thereby, the present petition is filed to receive the same as additional documents. The genuineness of the documents is not in dispute.

3. The Counter averments filed by the 6th respondent in brief:-

The petition is not maintainable in law as well or on facts and the same has been filed after the lapse of 12 years. The present petition has been filed only to prolong the trial proceedings. The suit was filed by the petitioner on the basis of sale deed executed by the power of attorney, the 5th defendant in favour of petitioner herein and the question of rights conveying the property by the agent, involved in the suit proceedings after the demise of the principal, particularly when the principal has not given any power to convey the property to this petitioner or any other persons. In these circumstances, the documents listed out in the petition were filed with an intention to multiple the proceedings to avoid speedy disposal. Subsequent to the purchase of the petitioner conveying a portion of the property to some other person does not create any rights or cause of action on the suit property which fraudulently conveyed by

Mr.T.Robert Gunasekar, the 5th respondent/ 5th defendant in favour of petitioner herein. The Doc.no.1 to 6 are not at all relevant or related with this suit either to the petitioner or to the suit property. Under the above circumstances, the petition is liable to be dismissed.

4.Point for consideration is

1. Whether the petition deserves to be allowed or not?

Both sides did not adduced any oral evidences and no documents were marked. The respondents.1 to 5 remained exparte.

5. Point:-

The contention of the petitioner is that since some of the material documents which are vital to prove petitioner's case are to be filed and thus the present petition is filed to receive the same as additional documents.

6. On the other hand, the 6th respondent contended that the documents listed out in the petition were filed with an intention to multiple the proceedings to avoid speedy disposal.

7. The suit is of the year 2014 and has been filed for the relief of declarations and for permanent injunction. The documents sought to be marked by the petitioner are sale deeds, death certificate, Ratification deed, judgment in Appeal Suit No.560 of 2007, petition and affidavit filed in OS.764 of 2004 of Principal District Court, Chengalpattu, counter filed in IA.1045 of 2009 in OS.764/2004,

Orders passed by Hon'ble High Court of Judicature, Madras, FIR, settlement deed, Decree and judgment passed in OS.583/2012 of District Munsif Court, Alandur, General power of attorney, etc., Though the 6th respondent objected to receive the documents, this court finds that the respondents have every opportunity to cross-examine the petitioner with regard to those documents and further in order to arrive at a just decision of the case and to avoid multiplicity of proceedings and in the interest of justice, this court is inclined to allow the petition and accordingly this petition is allowed.

Finally, this petition is allowed. The petition mentioned documents are ordered to receive subject to proof and relevancy. No cost.

Dictated to the Shorthand writer and directly typed by her and corrected and pronounced by me in open Court, this the **6th day of February.2024.**

sd/- K.Kayathri

Additional District & Sessions Judge
Kancheepuram District at Chengalpattu.

Both sides Exhibits and witnesses: Nil

sd/- K.Kayathri

Additional District & Sessions Judge
Kancheepuram District at Chengalpattu.

Draft/Fair Order
I. A.No.2/2023 in
O.S.No.260/2014
Dated:06.02.2024
ADJ/CPT
