

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

Present: **Tmt.K.Kayathri, M.A.B.L.**
Additional District Judge,
Chengalpattu.

Tuesday, the 20th day of August 2024
I.A.No.2/2024 in O.S.No.41/2010
CNR No:TNKP01-000727-2010

Bhupesh Metha..represented by his
Power Agent Mr.Girish Mehta

.... Petitioner/Plaintiff

-Vs.-

1.Gomathi
2.S.Madhavan
3.Bharathi
4.S.Malar
5.S.Malathi
6.T.Paramasivam
7.M.Rajendiran
8.M.Dillibabu

... Respondents/Defendants

This Petition coming before this court on 22.7.2024 for final hearing in the presence of M/s.M.Sivaramakrishnan and others, Counsels for the petitioner/plaintiff and Respondents 1 to 5 remained exparte in the main suit and Thiru.Shajakhan, counsel for the 6th Respondent/6th Defendant and the 6th respondent has not filed the counter and M/s.T.Thanigaivel and others, Counsels for the respondents 7 and 8/defendants 7 and 8 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 Petitioner/plaintiff under Order VII Rule 14 (ii) r/w.Sec.151 of CPC to condone the delay in filing the documents on the side of petitioner and to receive the same.

2. The petition averments in brief as follows:-

The petitioner is the General Power agent of the plaintiff. The plaintiff has filed the suit for declaration of title, recovery of possession and for

permanent injunction against the respondents. At the time of filing of the suit, the petitioner has failed to file certain parent documents relating to suit property and has traced out the said documents only now. The documents are very vital to prove petitioner's case. Hence the petition.

3. Brief of Counter averments filed by 7th and 8th respondents:-

The respondents deny all the allegations stated in the petition except those that are specifically admitted. The above suit was filed in the year 2010, and all the documents are related to previous years, but the petitioner has failed to file the same at the time of filing of the suit itself. The documents are legally unsustainable as inadmissible in evidence and are not relevant to the present case. The petitioner has not given any valid reasons for filing the documents belatedly and the petition has been filed only to drag on the proceedings. The petition is bereft of bonafide and is liable to be dismissed.

4. The points for Consideration :

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

5. Points:-

The contention of the petitioner is that since some of the parent documents which are vital to prove petitioner's case were traced out only now, the present petition is filed to receive the same.

6. On the other hand, the 7th and 8th respondents contended that the petitioner has not given any valid reasons for filing the documents belatedly and the petition has been filed only to drag on the proceedings.

7. The suit is of the year 2010 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, notice of house tax receipt and Encumbrance certificates. Though the 7th and 8th respondents 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 considering the nature of dispute involved in the suit, in order to arrive at a just decision of the case and to avoid multiplicity of proceedings, this court is inclined to allow the petition in the interest of justice. 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 **20th day of August.2024.**

sd/-K.Kayathri

Additional District & Sessions Judge
Chengalpattu.

Both sides Exhibits and witnesses: Nil

sd/-K.Kayathri

Additional District & Sessions Judge
Chengalpattu.

Draft/Fair Order
I. A.No. 2/2024 in
O.S.No. 41/2010
Dt:20.8.2024
ADJ/CPT

**I. A.No. 2/2024 in
O.S.No. 41/2010
Dated: 20.8.2024**

Order Passed

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

ADJ/CPT