

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

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

Additional District Judge,

Chengalpattu.

Thursday, the 18th day of April.2024

I.A.No.3/2023 in O.S.No.24/2016

CNR No:TNKP01-000815-2016

1.Mahalakshmi (Died)

2. Loganathan

..Petitioner/ 2nd Plaintiff

-Vs.-

1.A.Jayaraman (Died)

2.A.Dhanalakshmi

3.A.Jayagopal

4.A.Maheswari

5.Susila Jayaraman

6.A.J.Dharmesh

7.A.J.Harini

8.A.J.Harshini

....Respondents/Defendants

This Petition coming before this court on 22.3.2024 for final hearing in the presence of Thiru. N.Ravi, Counsel for the Petitioner/ 2nd plaintiff and M/s.K.G.Vasudevan, S.Chandramohan, Praveen Sethia and O.M.Balakrishnan, Counsel for the Respondents. 1 to 8 / Defendants 1 to 8 and upon hearing the arguments of both sides and perusing the entire case

records and having stood over for consideration till this day, this Court delivered the following:-

ORDER

This Petition filed by the Petitioner/ 2nd plaintiff under Order VII, Rule 14 (3) of CPC to grant leave in filing the documents and to receive the documents as detailed in the petition.

2. Petition averments in brief:-

The petitioner is the 2nd Plaintiff in the suit. The suit filed for recovery of possession, damages for past and future in respect of suit property. The petitioner has got the suit property from his father Achutha Reddy under a registered Settlement deed dated 16.3.2011. Originally, the suit property was owned by one Gopalakrishnan, who purchased the same from one Muthukumarasamy under a registered sale dated 29.6.1978. Later, he had settled the same to one Jayagopal who is the petitioner's brother under a registered settlement deed dated 14.4.1980, who in turn settled the same to petitioner's father under a registered settlement deed dated 4.12.2002. On that date of settlement, petitioner's brother has given a letter stating that he has decided to execute a settlement deed in favour of petitioner's father and has also stated that he had received adequate consideration from him and he will not claim any right over the suit property. Since the said letter was under the custody of petitioner's father and was traced out only now, the same could not be filed at the earliest point of time. The said letter is a vital document to prove his case. Hence the petition.

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

The 6th Respondent has filed this counter on behalf of others also. The suit has been pending from the year 2016. The document is of the year 2002 and the same will not help in any way, but an effort taken with an ulterior motive to further drag on the case. The document sought to be filed by the petitioner is not admissible in law. There is a connected suit pending before the Hon'ble High Court of Madras with regard to the properties inherited from Elaya Reddiar among the family members, in which the plaintiff is also a party, the applicant/plaintiff initiated a settlement process in the said suit is trying to wriggle out of the same, despite the fact that he has already signed the joint memo of compromise along with other parties to the suit, who also parties herein. This respondent has also been advised to file compromise memo signed by the plaintiff before this court by filing an application seeking permission. In such circumstances, the petition is liable to be dismissed.

4. The points for Consideration :

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

5. Points:-

Heard and perused the document. The suit is for recovery of possession, damages for past and future and other reliefs as against the defendants with regard to the suit property and this application is to receive the document viz., letter dated 4.12.2022 sent by A.Jayagopal to Mr.E.Achutha Reddy, who is petitioner's father. The contention of the petitioner is that alleged letter was under the custody of petitioner's father and was traced out recently, the same

could not be filed at the earliest point of time and as the same is a vital document and prays to allow the petition.

On the other hand, the respondents contended that the document is of the year 2002 and the same will not be helpful to decide the case and further the present petition is filed only to drag on the case and thus prays to dismiss the petition.

Considering the rival submissions, this court finds that in order to resolve the dispute between the petitioner and respondents, the document sought by the petitioner was a letter written by father of the plaintiff which would be helpful to the court for deciding the issue and further receiving the said letter will not prejudice the respondents and thus in order to arrive at a just conclusion of the case and in the interest of justice, this court is inclined to allow the petition.

Further, the respondents have every opportunity to cross-examine the petitioner with regard to the said letter.

Finally, this petition is allowed. The petition mentioned document is ordered to be received 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 **18th day of April.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.3/2023 in

O.S.No.24/2016

Dated:18.4.2024

ADJ/CPT

I.A.No.3/2023 in O.S.No.24/2016

Dated:18.4.2024

Order Passed

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

ADJ/CPT