

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE
AT CHENGALPATTU

Present: Thiru.A.Saravanakumar.,B.A.B.L.,
Additional District Judge,
Chengalpattu.

Monday, the 12th day of January 2026

I.A.No.3/2025

in

O.S.No.160/2020

CNR.No:TNCG01-003309-2020

R.Elangovan

...Petitioner/2nd Defendant

-Vs.-

1.M.Chinnu

...Respondent/Plaintiff

2.R.Venkatesan

...Respondent/1st defendant

This Petition coming before this court on 2.1.2026 for final hearing in the presence of M/s K.Jayachandiran, K.Paranthaman, K.Arjun and L.Anthoniyammal, counsels for the Petitioner/2nd defendant and M/s Ganesh & Ganesh, counsel for the 1st Respondent and Mr.Manikandan, counsel for 2nd respondent 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 has been filed under Order 8 Rule 1(A) of CPC to permit the petitioner/2nd petitioner to file the following documents viz. 1. 05.09.2024 the letter given by the petitioner Tahsildar sholinganallur - original. 2. 19.09.2024 Report of VAO at pallikaranai original. 3.

26.09.2024 Report of Revenue Inspector at Pallikaranai Original. 4. 5.2.2024 the letter given by the petitioner/2nd defendant before the RDO, Guindy-Original. 5. 4.12.2024 the letter sent by the petitioner/2nd defendant under RTI, to Public Information Officer, Pallikaranai with Receipt-Original. 6. 7.12.2024 Acknowledgment card of VAO, Pallikaranai-Original. 7. 24.12.2024 The letter given by VAO, Pallikaranai -Original. 8. UDR Certified copy given by VAO dated 24.12.2024. 9. 06.01.25 certified copy of sale deed vide Doc.No.1248/1959. 10. Electricity Service Charge Card – Original. 11. 07.07.25 certified copy of plaint in New O.S. No.1002/24. 12. 14.11.24 petitioner advocate send the application under RTI to public information officer, District Registrar – Original. 13. 18.11.24 Acknowledgement card- Original. 14. 30.12.2024 Reply to Public Information Officer, Joint Sub Registrar, Saidape. 15. 17.7.1964 Sale deed executed by Ponnusamy Naicker to and in favour of E.M. David vide document number 2290/1964- xerox copy as additional documents and receive the same in O.S.No.160/2020.

2. The Petition averments in brief as follows:-

The petitioner is the 2nd defendant in the above suit. The respondent/plaintiff has filed the above suit against the petitioner for declaration of title that the respondent/plaintiff is the absolute owner of the suit property and for permanent injunction. On 5.9.2024 petitioner has given petition before Tahsildar, Solinganallur, for incorrect extend of patta viz; 3.58 Ares which is contrary to the extend mentioned in the sale deed

viz-4550 sq.ft., after taken report from village administrative officer dated 17.09.2024 and revenue inspector report pallikaranai dated 26.09.2024 and thereafter surveyor came to suit property found that one Mr.Chinnu obtained patta in petitioner's property and advised petitioner to cancel the patta stands in the name of chinnu who is the plaintiff, on his request returned the petitioner's application along with report of VAO, RI. The petitioner filed written statement on 12.12.2022 and proceeded on 5.12.2024 and had applied for cancellation of patta stands in the name of the respondent/plaintiff before the Revenue Divisional Officer, Guindy, Chennai-600032 vide Patta No. 15474 and the said application is pending consideration. On 4.12.2024 sent an application under RTI to the Public Information Officer, Village Administrative Office, Pallikaranai Village, Solinganallur Taluk, Chennai District regarding suit property which was received on 7.12.2024. Pursuant to RTI application the petitioner received the following relevant documents viz. 1. Letter issued by the Village Administrative Officer dated 24.12.2024. 2. UDR Certified copy of suit property. His advocate on 14.11.2024 sent an application under RTI to the public information officer, district registrar, nandanam, Chennai-35 for requesting certified copies of document No.2289/1964 dated 07.07.1964 and 2290/1964 dated 17.07.1964 and 1248/1959 dt. 15.06.1959 which was received by information officer on 18.11.2024 and replied by the public information officer dated 30.12.2024 that the doc.no.2289/1964, 2290/1964 petition to be submitted with 100 Rs stamp paper which was

submitted by petitioner in the month of January 2025 which is pending, in fact the 1st respondent/plaintiff marked as sale deeds vide doc No.2289/1964, 2290/1964 Ex.A1 and Ex.A2 but it was destroyed in above said sub registrar office and also original not available since its parents documents and also filed xerox copy of sale deed of document 2290/1964 with my written statement but which was not marked in this circumstances, the petitioner could not file certified copy of above said sale deed vide doc. No.2290/1964 from the said sub registrar office, saidapet. Due to said reason hence the Xerox copy of number 2290/1964 to be marked as the sale deed vide document secondary evidence. On 06.01.2025 the petitioner have applied certified copy sale deed stands in the name of sale deed vide doc No. 1248/1959 which was received the same, and subsequently in the month February got electricity service charge card. On 07.07.2025 applied certified copy plaint in old OS No.398/2019 and New OS No.1002/2024 pending before Judicial Magistrate cum Munsif at Sholinganallur which was filled against the forgery documents created in petitioner's property and received the certified copy of the paint on 17.07.2025. The above said documents are vital and necessary for the just adjudication of the suit and support the defense of petitioner side with regard to the title of the suit property. If this petition not allowed, the petitioner will be put to irreparable loss and hardship; on the other hand no prejudice will be caused to the other side. Hence the petition.

3.The averments in the counter filed by 1st Respondent in brief as follows:-

The 1st Respondent is the plaintiff in the original suit. The petitioner filed by the petitioner has to be dismissed for the reason that the documents which are being referred to by the petitioner were very much available in his custody at the time of filing his proof affidavit in the month of June 2025. The documents which the petitioner wants to introduce are all dated starting from 05.09.2024 to 30.12.2024. If the petitioner had genuine interest in defending the matter then he would have filed the said documents along with a petition before the filing of his proof affidavit. So his intention is not so and hence the petition in IA 3 of 2025 has to be dismissed. The 1st document dated 05.09.2024 which is said to be a letter given by the Petitioner to the Tahsildar of Sholinganallur is actually not signed by the Petitioner and it is signed by some other person, hence the said document cannot be introduced. The 2nd and 3rd documents which are coined as report of Village Administrative Officer and Revenue Inspector have no relevancy as on date and they are subject to final orders. The 4th document is an application and the same also has no relevancy as on date. The 5th document which is said to be an RTI application is not signed or given by the Petitioner/1st defendant and it has been given by an advocate. Similarly the other document number 12 said to be an RTI application, dated 14.11.2024 is also not signed by the Petitioner/1st defendant and it has been signed and given by an advocate. Similarly the acknowledgment cards which are document numbers 6 and 13 are also not relevant to the

Petitioner as they have all been sent by an advocate. Similarly the document numbers 7 and 8 are a consequence of the document number 5 which was sent by an advocate and so the said document are also not relevant to the present case. The document number 14 is also a consequence of document number 12 and hence the same is also not relevant. The certified copy of sale deed 1248/1959 which is said to be document number 9 is not having any survey number reference. Hence the said document is also not relevant. The document numbers 10 and 11 have no relevant to the suit property and hence the said documents are also not relevant. The document number 15 is a Xerox copy and so the same cannot be permitted to be marked. In the circumstances the application IA 3 of 2025 in OS 160 of 2020 has to be dismissed with costs.

4. The point for consideration:-

Upon the perusal of the petition, counter and other materials this court has framed the following point for consideration:

“Whether the petition is to be allowed or not”

5. Answer to the point:

The petitioner is the 2nd defendant in the original suit. The 1st respondent is the plaintiff therein. The petitioner states that the documents mentioned in the list are vital and necessary for the just adjudication of the suit and necessary to prove his case.

6. Per contra, the 1st respondent contends that these documents are not necessary to prove the case of the petitioners. Moreover, 2nd and 3rd

documents are issued by Village Administration Officer who is not competent to issue the same. Moreover, Document Nos. 5 and 12 are not signed by the petitioner. Moreover, Document No.14 is not at all necessary and relevant to the case.

7. Considering the rival submissions it is to be noticed as rightly pointed out by the 1st respondent document number 2 and 3 are issued by Village Administration Officer and Revenue Inspector. This court is of the view that these documents can be marked subject to proof and relevancy. Similarly, document number 15 is the xerox copy of the sale deed dated 17.7.1964. Since original is not produced and the necessary procedure under section 65 of the Indian Evidence Act is not complied with and no foundational facts are established as to what happened to original, xerox copy cannot be received as secondary evidence. Therefore, document No.15 cannot be received as evidence. As regards other documents since the petitioner feels that these documents are necessary to prove their case an opportunity may be given to the petitioner to prove his case. Therefore, this court is inclined to allow the application and receive additional document except document number 15.

8. In the result, the petition is allowed except document number 15 all other documents are received subject to proof and relevancy. No cost.

Dictated to the Shorthand writer and typed by her and corrected and pronounced by me in open Court, this the 12th day of January 2026.

Additional District Judge
Chengalpattu

List of Exhibits and witnesses on both sides: Nil

Additional District Judge
Chengalpattu.

Draft/Fair Order
I.A.No.3/2025 in
O.S.No.160/2020
Dated:12.01.2026
ADJ/CPT
