

**IN THE COURT OF SUBORDINATE JUDGE,
MADURANTAKAM.**

**Present: Mr. T. GANESH, B.A., B.L.,
Subordinate Judge,
Madurantakam.**

**Monday, this 07th day of July 2025
I.A.No. 2/2025
in
O.S.No. 163/2010
(CNR.No.TNCG13 – 000107-2010)**

1. Sridevi alias Vasanthakumari

2. P.K.Purushothaman

3. Jayashree ...Petitioners/Plaintiffs

..Vs..

1. P.Kamalakaran

2. P.Chakrabani

3. M.Silambu selvam

4. V.S.P Alex Pandien

5. Arumugham (died)

6. Radha

7. Vasudevan

8. Vijayadevan ...Respondents/Defendants

This petition coming up for final hearing on 23.06.2025 in the presence of Mr.S.Subramanian, counsels for petitioners/plaintiffs, Mr.R.E.Charles, counsel for the respondents 1 to 3/defendants 1 to 3 and 5th respondent/defendant was died and

respondents 4, 6 to 8/defendants 4, 6 to 8 were called absent and set exparte in main suit and having perused the records, having stood over for the consideration of this court till date, this court delivered the following;

ORDER

This petition is filed by the petitioner to receive the documents.

2. Petition in brief:

Case is posted for further evidence of the petitioners/plaintiffs. Petitioners already examined the husband of the 1st petitioner as Pw1. But at the time of examination of Pw1 some of the documents were not produced. The documents now only obtained from Taluk Office. Hence this petitioner files this petition to receive the documents in evidence.

3. Objections of the counsel for the respondents 1to3 in brief:

The respondents deny the allegations set out in the affidavit. No reason mentioned in the petition for delay and to recall Pw1. This application is filed only to drag on the proceeding. There is no any merit in the above application. Hence this petition is liable to be dismissed with cost.

4. No oral or documentary evidence adduced by petitioner and respondents.
5. Heard both sides and perused the records.

6. Point:

“Whether this application can be allowed?”

Petitioners file this application, seeking permission to receive certain documents. Respondents 1 to 3 defend that the application is only to drag on the proceedings.

On careful consideration of the submissions made and the material placed on record, it is seen that the petitioner does not dispute that PW1 has already been examined. However, it is averred that the documents now sought to be produced could not be obtained earlier and have only recently been procured from the Taluk

Office. Though there is no detailed explanation in the affidavit as to the precise nature of the delay or when exactly the documents were received, the petitioner has expressed a genuine difficulty in producing them earlier.

The court is conscious of the settled principle that procedural laws are intended to aid justice and not to thwart it. If the documents sought to be produced are relevant and material for the just adjudication of the suit, and if the petitioner is prepared to face further cross-examination, the court is of the view that an opportunity should be granted, with appropriate safeguards to avoid any undue delay or prejudice to the respondent.

However, the lapse in not furnishing adequate reasons for the delay and the lack of specificity regarding the timing of obtaining the documents cannot be ignored. In order to balance both interests that of giving the petitioner a fair opportunity and safeguarding the respondent against unnecessary delay the petition can be allowed with certain conditions. Accordingly, the court is inclined to allow the application on conditions. Hence this point is decided accordingly.

7. Result:

In fine this application is allowed on conditions that, Pw1 shall appear on 10.07.2025 for his examination. Call on 10.07.2025.

Directly typed in my personal lap-top, corrected and pronounced by me in the open court, this 07th day of July 2025.

Subordinate Judge,
Madurantakam.

Both sides evidence and Exhibits : Nil

Subordinate Judge,
Madurantakam.

Fair / Draft order
IA No. 2/2025
in
OS No. 163/2010
D.D: 07.07.2025,
Subcourt,
Madurantakam.