

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

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

**Thursday, this 24th day of July 2025
I.A.No.4/2025
in
O.S No. 88/2015
(CNR.No.TNKPOB000345-2015)**

1. Harikrishnan
2. Premavathi
3. J. Madurai
4. J. Kartikeyan
5. J. Bhuvaneswari
6. J. Jaya

... Petitioner/Defendants

..Vs..

H. Ravi

...Respondents/Plaintiff

This petition coming up for final hearing on 07.07.2025 in the presence of M/s. V. Anthony Elangovan Raj, S. Ramachandran and P. Venkatesan, Counsels for the Petitioners/Defendants and Mr. S. Subramanian, Counsel for the Respondent/Plaintiff, after hearing the arguments on both sides, upon perusing the case records and having stood over for the consideration of this court till date, this court delivered the following.

ORDER

This petition is filed by the petitioners to condone delay and grant leave to receive documents in evidence.

2. Averments of the petitioners:

In order to prove the case the petitioners have produced additional documents, namely Certified copy of Death Certificate of Janakiraman and Certified copy of Chitta stands in the name of defendants 3 and 4 issued by Tahsildar, Madurantakam. The delay in filing the documents before this court to the circumstances as as states above and it is neither willful nor wanton. Hence the petitioners file this petition for condone delay and to receive documents in evidence.

3. Averments of the respondent:

The respondent denies the allegations set out in the affidavit. The allegations made in the affidavit are specifically denied. The petition has been filed solely to delay the proceedings of the case. Numerous changes have been made before this court regarding the marking of documents. The application lacks of merit. Hence the respondent prays for dismissal of the application with costs.

4. No oral and documentary evidence adduced by both sides.

5. Heard both sides and perused the records.

6. Point :-***“Whether the petitioner’s evidence can be reopened?”***

The present petition is filed by the 4th defendant seeking condonation of delay and leave to produce two additional documents in evidence. It is the petitioner’s contention that these documents were omitted earlier due to inadvertence and are now being sought to be

produced to assist the Court in proper adjudication of the matter. The respondent has strongly objected to the petition, contending that the same has been filed only to delay the proceedings, and that repeated attempts are being made to mark documents in a piecemeal manner.

The documents sought to be produced are public records, one being a statutory certificate of death, and the other being a revenue record issued by the competent authority. These are not private or fabricated documents and pertain directly to issues in the suit. Their relevance and authenticity can be subjected to scrutiny during trial, and the respondent will have ample opportunity to cross-examine or rebut their contents.

While the court acknowledges that repeated attempts to introduce documents could affect the momentum of trial, it must also weigh the probative value and necessity of the documents in determining the real questions in controversy. In the absence of any specific prejudice demonstrated by the respondent, and given that the documents appear to be crucial to the defence, this Court is inclined to exercise its discretion in favour of the petitioner.

Accordingly, the delay in filing the documents is condoned, and leave is granted to receive the said documents on file, without expressing any opinion on their evidentiary value. But it is pertinent to note that the suit was already passed a decade to reach its finality. Attitude of the petitioners would show that they wantonly protract the proceedings of the suit. A bare perusal of the affidavit and petition is a classic example. Hence this court wants to allow this application on certain conditions and this point is decided accordingly.

7. Result:

In the result this application is allowed on conditions that

i) the petitioners shall pay a sum of Rs. 1000.00 (Rupees One Thousands) only to the respondent on or before 31/07.2025 and

ii) the petitioners shall be ready with their evidence on 01.08.2025 to mark the documents.

Call on 01.08.2025.

Directly typed in my personal lap-top, corrected and pronounced by me in the open court, this 24th day of July 2025.

Subordinate Judge,
Madurantakam.

I. Petitioner side evidence and Exhibits : Nil.

II. Respondents side Evidence and Exhibits : Nil

Subordinate Judge,
Madurantakam.

DRAFT/FAIR ORDER
IA 4/2025
in
O.S No. 88/2015
D.O.D: 24.07.2025
SUB JUDGE,
MADURANTAKAM