

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

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

Monday, this 06th day of October 2025

I.A.No. 4/2025

in

O.S.No. 64/2019

(CNR.No.TNCG13 – 000438-2019)

Bhuvaneswari

...Petitioner/Plaintiff

..Vs..

1. Palani

2. Pandiyan

3. Lakshmi

4. Ramani

...Respondents/Defendants

This petition coming up for final hearing on 17.09.2025 in the presence of Mr.V.Agoram, counsel for petitioner/plaintiff and Mr.M.Tamilmaran, counsel for the 4th respondent and respondents 1 to 3 were called absent and set exparte in main suit and after hearing the arguments on both side's and upon perusing the records, having stood over for the consideration of this court till date, this court delivered the following;

ORDER

This petition is filed under Order VII Rule 14(3) of Civil Procedure Code by the petitioner to receive the documents.

2. Petition in brief:

Petitioner is the Plaintiff in the suit. Case was posted for trial on the side of the Defendant. Petitioner now only obtained copy of Encumbrance Certificate, and

certified copy of the partition deed dated 29.08.1972, which will prove her case. Hence the petitioner could not file the same in earlier stage of this case. The delay in filing the documents is neither willful nor wanton.

Plaintiff's side evidence was closed and now the above case is posted for defendant's side evidence. Hence the petitioner files this petition to receive documents.

3. Counter filed by 4th respondent in brief:

The respondent denies the allegations set out in the affidavit. The petition to reopen is not maintainable in law. Documents no way to improve the case. The reason for reopen is also not true and correct. Petition is only to delay the matter and frustrate the respondents/defendants. Encumbrance Certificate is not the subject matter of the property. Hence this petition is liable to be dismissed with cost.

3. No oral or documentary evidence adduced by petitioner and respondents.

4. Heard both sides and perused the records.

5. Point:

“Whether this application can be allowed?”

The petitioner, who is the plaintiff, seeks to receive documents in evidence, on the ground that certain documents, namely the online copy of the Encumbrance Certificate and the certified copy of the partition deed dated 29.08.1972, have been recently obtained and are necessary for substantiating her claim in the suit. It is her case that the non-production of the said documents at an earlier stage was not deliberate and that unless leave is granted to reopen the evidence, she would suffer irreparable prejudice.

On the other hand, the respondent has opposed the application contending that the petition is not maintainable, that the documents sought to be introduced are not material to the issues in the suit, and that the application is filed only to protract the proceedings. It is further contended that the Encumbrance Certificate does not relate to the subject property and therefore has no relevance.

Having regard to the rival submissions, it is evident that the documents sought to be marked are, at least prima facie, related to the pleadings of the petitioner and pertain to the partition and declaration sought in the suit. The explanation for their non-production earlier, though not wholly convincing, cannot by itself be a ground to shut out such evidence if it has bearing on the adjudication of the rights of the parties. The apprehension of the respondent that the petition is filed only to delay the proceedings can be addressed by affording an opportunity to the respondent to cross-examine the witness on the additional documents and by imposing appropriate conditions, if necessary. In these circumstances, this Court is of the view that the ends of justice would be better served by permitting the petitioner to is permitted to produce the documents for the limited purpose of marking the same, while safeguarding the respondent's right to contest the same, this court inclined to allow this application on conditions. Hence this point is decided accordingly.

6. Result:

In fine this application is allowed on conditions that,

- i) the petitioner shall pay a sum of Rs. 2000.00 (Rupees Two Thousands) only to the 4th respondent on or before 12.10.2025,
- ii) the petitioner shall present on 13.10.2025 for marking of documents and
- iii) having received the cost of Rs. 2000.00 the 4th respondent shall cross examine the said Pw1 on 13.10.2025, in default the respondent no.2 shall return the cost of Rs. 2000.00 to the petitioner. Call on 13.10.2025.

Directly typed in my personal lap-top, corrected and pronounced by me in the open court, this 06th day of October 2025.

Subordinate Judge,
Madurantakam.

Both sides evidence and Exhibits : Nil

Subordinate Judge,
Madurantakam.

**Fair / Draft order
IA No.4/2025
in
OS No. 64/2019
D.D: 06.10.2025,
Subcourt,
Madurantakam.**