

IN THE IV ADDITIONAL CITY CIVIL COURT, CHENNAI

**Present: Tmt.R.K.P. Tamilarsi,M.L.,
IV Additional Judge.**

Wednesday, the 09th day of July 2025

I.A.No. 1 of 2025

in

O.S.No.4784 of 2020 (C.S.No.586 of 2013)

C.N.R.No.TNCH01-021963-2020

V. Krishnan,
S/o. Venkataswamy,
Plot No.6, 100 Feet Road,
TANSI Nagar, Taramani Link Road,
Velachery,
Chennai-600 042.

...Petitioner/Defendant

versus

S.A. Bhima Raja,
S/o.S. Ayyanar Raja,
No.A-1, Whispering Heights,
St. Mary's Road, Alwarpet,
Chennai-600 018.

...Respondent/Plaintiff

This petition came up before me for final hearing on 02.07.2025 in the presence of M/s.S. Sasikala Counsels appearing for the petitioner/defendant and of M/s.R. Chakkaravarthy, S. Senthamizhan Counsels appearing for the respondent/plaintiff, upon hearing the arguments from the counsels for both side, upon perusing the records of this case and having stood over for consideration till this day, this Court passed the following

ORDER

This petition has been filed Under Order VIII Rule IA(3) of Civil Procedure Code by the petitioner/defendant to receive petition mentioned documents as additional documents in the above suit.

S.No.	Date	Description	Parties
1	22.09.2007	Objection letter form Assistant Engineer, Chennai.	Krishnan and Assistant Engineer, Chennai.
2	08.10.2007	Reply letter to Assistant Engineer, Chennai to furnish the objection	Krishnan and assistant Engineer, Chennai.
3	-	Encumbrance Certificates	-
4	-	Written Statement in O.S.No.2152 of 2004	Defendant and Yasodhammal and 2 others.
5	06.12.2016	Death Certificate Tmt. Rani	Krishnan and his wife

02. Brief averments made in the affidavit of the petitioner:-

The petitioner/defendant stated that Respondent/Plaintiff filed suit for a permanent injunction against the petitioner not to interfering with the peaceful possession of the respondent/plaintiff in the suit properties and for the declaration of title in the suit properties described in the schedule 'A' and 'B' of the plaint and also recovery of possession. The petitioner/defendant filed his written statement. Originally the above suit was filed before the XV Assistant Judge, City Civil Court, Chennai, and numbered as suit in O.S.No.5058/2010 subsequently, the above case was transferred to the Hon'ble High Court, Madras and re-numbered as C.S.No.586/2013. Due to the enhancement of the pecuniary jurisdiction, the above case was transferred to this court and numbered as O.S.No.4784/2020. Due to transfer of the suit was not listed in trial and was not

commenced. After commencement of trial plaintiff side evidence were closed it was posted for defendant side evidence on 13.12.2024. The petitioner/defendant filed return statement with 62 documents. Now he is filing 5 additional documents as a supporting document to prove the case, which is mentioned in the petition. Hence the petitioner/defendant prayed to allow this petition.

03. Brief averments made in the counter of the respondent:-

The respondent/plaintiff filed the suit for permanent injunction, declaration and for recovery of possession of the suit schedule properties shown in 'A' and 'B' of the plaint. The respondent/plaintiff is the absolutely owner in possession of the suit property being vacant land situated at plot No.4, 100 feet, Taramani, Velacherry to an extent of 2187 Sq. Ft. and another plot of vacant land situated at plot No.4 to an extent of 2062.50 Sq. Ft. mentioned the schedule. The respondent stated that the documents shown in the list of documents to the petition are not relevant and not vital for the purpose of deciding the issues involved in the above suit. The petitioner not filed documents along with the written statement even though the petitioner not mention and not stated about the documents in the written statements, it is only willful and wanton. These documents all are not a material or relevant documents. Only harassing to respondent and also prolong the case only the

petitioner filed in the above application. In the above mentioned documents not necessary or vital document in the above case. The respondent/plaintiff these documents are forged and fabricated by the petitioner for the purpose of this case. The above suit pending from the year of 2010 in the alleged document also in the year of 2016, but deliberately defendant not taken any steps now at this stage. The petitioner not come before the court with clean hands, only harassing to respondent only filed in the above application, hence liable to be dismissed.

04. Point for consideration :

Whether the receive document petition is to be allowed or not ?

05. No document was marked and no oral evidence was adduced by either side for this petition.

06. Point:-

Heard both side arguments and perused the records. The respondent plaintiff filed the above suit for permanent injunction against the petitioner/defendant not to interfering with the peaceful possession of the respondent/plaintiff in the suit properties, declaration of title and for recovery of possession of the suit schedule properties shown in 'A' and 'B' of the plaint.

7. Originally the above suit was filed before the XV Assistant Judge, City Civil Court, Chennai, and numbered as suit in O.S.No.5058/2010 subsequently,

the above case was transferred to the Hon'ble High Court, Madras and re-numbered as C.S.No.586/2013. Due to the enhancement of the pecuniary jurisdiction, the above case was transferred to this court and numbered as O.S.No.4784/2020. In this case, already trial has been commenced and plaintiff side evidence was recorded and closed. Now, it is posted for defendant side evidence. At this stage, the petitioner/defendant filed this receive document petition. The counsel for the respondent/plaintiff vehemently objecting that the documents shown in the list of documents to the petition are not relevant and not vital for the purpose of deciding the issues involved in the above suit. The petitioner not filed documents along with the written statement it is only willful and wanton. These documents all are not a material or relevant documents. Only harassing the respondent and also prolong the case only the petitioner filed in the above application.

8. On perusal of the records, it came to know that the documents sought to be produced by the petitioner are neither referred in the written statement nor shown in the list of documents while filing the written statement. The defendants did not state any reasons for the delay in filing those documents. There is no averment in the affidavit filed in support of the petition for non production of documents in the earlier occasion and for the delay in filing the documents before this Court.

9. The respondent/plaintiff vehemently objecting that the documents shown in the list of documents to the petition are not relevant and not vital for the purpose of deciding the issues involved in the above suit. It is not the stage to decide whether these documents are relevant or irrelevant to be decided. Only after completion of the trial, it would be decided that whether these list of documents are relevant to the facts of this case. Even though, the petitioners/defendants did not stated anything about the documents in their written statement, in the interest of justice, to give an opportunity to the petitioners to prove their case by way of filing these documents. There is no prejudice caused to the other side, if the petition would have been allowed. Hence, this court is inclined to allow this petition.

In the result, this petition is allowed subject to proof, relevancy and admissibility of documents.

This Order has been dictated by me to the steno typist directly and computerized by her, corrected and pronounced by me in the open Court on this Wednesday, the 09th day of July 2025.

IV Additional Judge,
City Civil Court, Chennai.

List of witness and exhibit on the both side: Nil

IV Additional Judge,
City Civil Court, Chennai.

**Draft/Fair Order
in
I.A.No.1/2025
in
O.S.No.4784/2020**

Dated:09.07.2025.

**IV Additional
City Civil Court,
Chennai.**