

IN THE III ADDITIONAL CITY CIVIL COURT, CHENNAI

**Present: Tmt.K.Geetha Rani, M.A., M.L.,
III Additional Judge,**

Tuesday, the 14th day of October, 2025

**I.A.No.1 of 2021
in
A.S.No.45 of 2013**

1. P.S. Sivaramakrishnan, (Since deceased)

2. S. Gomathy, (Died)

3. Seethalakshmi, W/o. S. Venkatachalam

4. K. Saratha, W/o. Krishnan

5. K. Meenakshi, W/o. B. Ravi

6. V. Santhi, W/o. V. Venkatramani

7. S. Ramakrishnan Subramanian, S/o. Late P.S. Sivaramakrishnan

All are residing at No.9, Shop No.3, Easwaran Koil Street, West Mambalam,
Chennai-600 033.

8. Mr. Krishnan Subramaniam, S/o. Subramaniam, residing at Flat C-2,
Bharathidhasan Kudil, No.20, Subbu Reddy Street, West Mambalam, Chennai-600
033.

9. Mrs. Subbulakshmi, W/o. Venkatasubramani, residing at No.8, Ganga Apartments,
No.31, Postal Colony, 4th Street, West Mambalam, Chennai-600 033.

10. Mrs. Latha Ramakrishnan, W/o. Ramakrishnan, residing at No.291, Thiruvallur
Street, Alwarthirunagar, Chennai-600 087.

(Petitioners/Appellants 8 to 10 are brought on record as LRS of the deceased
2nd Appellant and the Amendment carried out as per order dated 12.08.2024 in
I.A.No.7 of 2024 in A.S.No.45 of 2013).

.... Petitioners/ Appellants

Vs.

1. Mrs.P. Srilakshmi (Since deceased)

2. Mr. S. Pandurangam,

H/o. P. Srilakshmi, residing at No.175, Poonamalle High Road, Kences Brindavan 4th Block, 1-D, Kilpauk, Chennai-600 010.

3. Mrs.Renuka Murthy, D/o.P. Srilakshmi, Sri Ram Sankari Apartment,Thangapuram, Guduvanchery, Chennai-603 202.

4. Mr.P. Ravi, S/o. P. Srilakshmi, residing at No. 175, Poonamalle High Road, Kences Brindavan 4th Block, 1-D, Kilpauk, Chennai-600 010.

5. P. Latha, D/o. P. Srilakshmi, residing at F-2, R.M. Manikandan Flats, 12th Street, Secretariat Colony, Near Lakshmipuram, Retteri, Chennai-600 099.

.... Respondents/Respondents

This petition came up on 22.07.2025 day for final hearing before this Court in the presence of M/s. K. Balaji, S. Anburaja, A.S. Sathiesh Kumar and R. Jaikumar Counsels for the Petitioners/Appellants and the respondent remained absent set exparte and upon hearing the arguments of both sides and having stood over for consideration till this day, this Court delivered the following:

ORDER

This petition has been filed Under Order 41 of Rule 27 of CPC to permit the petitioners to file the documents morefully mentioned in the petition in the Appeal and marked as Appellants document/Exhibits in A.S.No.45 of 2013.

2. The averments in the petition in short as follows:

I am the 7th petitioner herein as such I am well acquainted with the facts of the case and I am filing this affidavit on behalf of the other petitioners, who are my mother and sisters.

He state that the deceased sole plaintiff namely Srilakshmi filed a vexatious suit against my late father Mr.P.S.Sivaramakrishnan in O.S.No.7950 of 2007 on the file of the Hon'ble XVII Asst Judge, City Civil Court, Chennai for recovery of vacant possession. My father filed a written statement stating the existence of sale agreement (Exhibit A3) and the earlier proceedings between the parties along with the counter claim for specific performance to execute the sale deed in favour of my father.

He state that my father all along expressed his ready and willingness also demanded the plaintiff and her husband to execute the sale deed in his favour; infact, he has issued letter dated 27.02.1991 and reply notice dated 25.07.2007 exhibits A4 & A7 also in his deposition he has categorically expressed his ready and willingness. Further the plaintiff tried to evict my father by filing several proceedings, which are res judicata in so far as the above suit is concerned. But the learned trial Court omitted to frame issues on the above said aspects i.e., (i) suit barred by res judicata and (ii) ready and willingness of the defendant and has proceeded with the trial and

adjudicated the suit and without considering the whole facts and circumstances of the case and decreed the suit filed by the plaintiff and dismissed my father's counter claim by the judgement and decree dated 28.08.2012. Aggrieved by the Judgement and Decree of the trial court, my father preferred the above appeal before this Hon'ble Court. During the pendency of the appeal, my father died. While so, the legal heirs of my late father i.e., wife, daughters and son were impleaded as appellants in the above appeal by order of this Hon'ble Court.

He state that on advice to state that the premises No.9, Easwaran Koil Street consist of two distinct portions namely front and back portion respectively. The present suit on Appeal is pertaining to the front portion only. The Respondent/Plaintiff conveniently messed up the certain receipts in these proceedings which were not allowed to be marked by the Plaintiff/Respondent in the suit premises. Despite of the Hon'ble High Court's Order, these were marked in the suit. Since there are multiple proceedings, case numbers of those proceedings are not properly stated.

He state that the entire legal proceedings was looked after by my father through the erstwhile counsel Mr.R.S.Ranganadham; during the month of January 2021 due to prevailing pandemic situation and of advanced age of the counsel, he has, gracefully consented for giving change of vakalat. Immediately, we engaged present counsel to proceed with the matter. The case bundles relating to earlier rent control proceedings were not readily traceable as, in 1991 to same were handed by one Mr. C.

Raghunatha Reddy who is now no more. My father, Mr. P.S. Sivaramakrishnan who was handling the case and was keeping the hand bundle with copies with one of his daughter's home and to same is traced only recently. The sudden demise of my father, who is the original defendant and the difficulties in tracing out of the hand bundles of the case put the legal heirs in great hardship despite of diligent efforts put in. The marking of the Court Orders and proceedings are very essential to the fair and just decision of this Hon'ble Court. As legal heirs, we are put in much efforts in tracing the case papers which are essential to the just adjudication

As soon as the bundle is perused by me in the presence of the present counsel, we came to know that the earlier proceedings between the deceased sole plaintiff and sole defendant ought to have been filed but in fact have not been filed and marked before the trial court as suit documents.

The documents are as follows:-

- (i) Petition in RCOP No.998/1991
- (ii) Counter in RCOP No.998/1991
- (iii) Deposition in RCOP No.998/1991
- (iv) Judgement & Decree in RCOP No.998/1991
- (v) Judgement & Decree in RCA No.6/1996
- (vi) Judgement of Hon'ble High Court in C.R.P. No.3353/1999
- (vii) Judgement of Hon'ble High Court in C.R.P No.1517 & 1518/2006

I submit that the above said documents are records pertaining to court proceedings between the deceased sole plaintiff and the defendant and the material facts are important documents to prove our bonafide case, as stated above, the documents which are all Court proceedings and judgements therein, the judgements are relevant in evidence u/s. 40 of Indian Evidence Act are vital documents to prove my case before this Hon'ble court and the same is mentioned in the petition, the non filing of the said documents before the trial court and before this Hon'ble Court at the time of filing the appeal is neither willfull nor wanton, but only due to reasons stated above. Unless this Honourable Court permits me to file Documents which are Certified Copies of the Court proceedings and judgements of Hon'ble Courts in the appeal and mark the same as our Exhibits, we will be put to irreparable loss and hardship. Further no serious prejudice would be caused to the Respondent/Plaintiff as she too conveniently glossed over from bringing it to the notice of the trial court as well as this Hon'ble Court.

3. No counter has been filed by the respondent:

4. Point for consideration:

Whether this petition is to be allowed or not?

5. Point :

This petition has been filed Under Order 41 Rule 27 of CPC to receive the following documents 1 to 6 as additional documents in the appeal on the side of the appellant. The appellant has stating that he has filing this petition on behalf of the

other petitioners also and the sole defendant Srilakshmi has filed a vexatious suit against my late father Mr.P.S. Sivaramakrishnan in O.S.No.7950 of 2007 on the file of the XVII Assistant Judge, City Civil Court, Chennai for recovery of the vacant possession. My father filed the written statement stating the existence of sale agreement that is Exhibit A3 and the earlier proceedings between the parties along with the counter claim for a specific performance to execute the sale deed in favour of my father. The petitioner further submit that my father all along expressed his ready and willingness also demanded the plaintiff and her husband to execute the sale deed in his favour, infact he has issued letter dated 27.02.1991 and reply notice dated 25.07.2007 exhibits A4 and A7. Further the plaintiff tried to evict my father by filing several proceeding but in all the proceeding it was disposed by stating that there is no tenant and landlord relationship between my father and the petitioner but the trial court not consider my father counter claim the judgment and decree dated 28.08.2012. The trial court fail to frame the issues whether the suit has been barred by the res judicata and whether the petitioner father is ready and willing to perform the suit sale agreement without framing the issue the suit has been decreed and the petitioner further stated that the suit premises consist of two distinct portion namely front and back portion respectively the appeal is regarding the front portion only the respondent/plaintiff conveniently messed up the certain receipts in these proceedings which were not allowed to be marked by the plaintiff/respondent in the suit premises. Despite of the Hon'ble High Court's order, these were marked in the suit. Since there

are multiple proceedings, case numbers of those proceedings are not properly stated and My father erstwhile counsel Mr.R.S. Ranganadham during the month of January 2021 due to prevailing pandemic situation and of advanced age of counsel, he gracefully consented for giving change of vakalat. Immediately we engaged the present counsel to proceed with the matter. The case bundles relating to other rent control proceedings were not readily traceable as in 1991 the same to be handed by one Mr.C. Raghunatha Reddy who is now no more. My father, Mr.P.S. Sivaramakrishnan who was handling the case and was keeping the hand bundle with the copies with one of his daughter's home and to same is traced only recently. The sudden demise of my father, who is the original defendant and the difficulties in tracing out of the hand bundles of the case put up the legal heirs in great hardship despite of diligent efforts put in. The marking of the Court Orders and proceedings are very essential to the fair and just decision of this Hon'ble Court. As legal heirs, we are put in much efforts in tracing the case papers which are essential to the just adjudication and also listed the documents which has to be filed as additional document in the appeal as petition in RCOP No.998/1991, counter in RCOP No.998/1991, Deposition in RCOP No.998/1991, Judgment & Decree in RCOP No.998/1991, Judgment & Decree in RCA No.6/1996, Judgment of Hon'ble High Court in C.R.P.No.3353/1999, Judgment of Hon'ble High Court in C.R.P.No.1517 & 1518/2006. The above documents which are all the court proceeding and judgment therein the judgments are relevant in evidence u/s.40 of Indian Evidence Act of vital

documents to prove my case. Hence the time of filing the appeal the non-filing of the documents at the time of trial is neither willfull nor wanton but only due to the reasons stated above unless this Hon'ble Court permit me to file a documents which are certified copies to the court proceedings relating to the suit property I will put to irreparable loss and hardship. Hence the petition.

Whereas the respondent has not appeared and she did not filed any petition. The respondent has died and her legal heirs has been brought on record and they are not take any steps to file a counter to defend the petition and having given reasonable opportunity they have been set exparte and the petition is alone has been heard the petitioners all are the legal heirs of late P.S. Sivaramakrishnan who was contest the matter in the trial stage and even the appeal also filed by him and during the pendancy of the appeal only he has died the reason stated by the petitioner is that acceptable for the only reason all the documents which they are now trying to produced as additional documents for the year 1990 if all this documents were very well available at the time of conducting the trial before the trial court and why the father has not produced has not been properly explained and apart from that the suit has been filed by the respondent for recovery of posession alone when the suit has been filed for the recovery of the posession alone it is the duty of the respondent to state that they are in occupation of the said property only on the basis of the agreement holder as not as tenant and regarding the RCOP which has been already filed against RCOP, appeal has been filed and CRP has been filed and those orders

are infavour of the petitioners and why the same has not been marked has been explained. However the earlier dispute which is entered into the petitioner were not filed has not been taken seriously by the petitioner and how they are in the possession property as to be proved only through by filing this document and regarding when the matter has been taken up the earlier the same set of action another RCOP has been filed and that has been disposed and even the suit property and a parties are one and the same. Hence res judicata and also persons claimed by the father of the petitioner by way of counter claim that he is the agreement holder and for that also no issues has been framed and hence when the same has not been considered by the trial court this court of the opinion that these documents which was relevant to prove their right of the petitioner as to be received by the court and the petition has been allowed and these documents were marked as Ex.B2 to B8.

In the result, the petition is allowed and these documents were marked as Ex.B2 to B8.

Directly dictated to the steno-typist, typed and computerized by her, corrected and pronounced by me in the open Court, this the 14th day October, 2025.

III Additional Judge,
City Civil Court, Chennai.

List of Witness and documents on both side : Nil

III Additional Judge,
City Civil Court, Chennai.

Draft / Fair : Order

**I.A.No.1/20251
in
A.S.No.45 of 2013**

Dated: 14.10.2025

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