

**IN THE COURT OF THE PRINCIPAL JUDGE,
CITY CIVIL COURT AT CHENNAI**

Present : **Thiru. S. Karthikeyan**, M.A., M.L., M.Sc., P.G.D.C.F.Sc., P.G.D.D.F.
Principal Judge

Monday, the 20th day of April 2026

I.A.No.5/2026
in
O.S.No.4504/2024

S. Sumithra

...Petitioner/Plaintiff

...VS...

1. S.Suresh

2. S.Malathi @ Usha

... Respondents/Defendants

This petition is coming on this day before this court for hearing in the presence of M/s. M.S. Ramesh, D. Manoj Kumar, R. Ram Kumar, B. Priyanka, V. Mahalakshmi, the Counsel for the petitioner/ Plaintiff and of M/s. K. Chandru, P. Pushpalatha, K. Subhashini, the Counsel for the 2nd Respondent/2nd Defendant and the 1st respondent/1st defendant remained exparte in the main suit and upon hearing both side counsels and on perusal of the records, this Court delivered the following :

Order

This petition is filed under Order VII Rule 14(3) r/w. Sec.151 of CPC., to receive the additional documents mentioned in the petition and to mark the same as Ex.A9 to A13 during the plaintiff's side evidence.

2. Brief Averments made in the petition is as follows:

The suit was filed for directing the defendants to vacate the suit property and hand over the vacant possession of the suit property to her and for other reliefs as

specified in the Plaint. The 1st Defendant set exparte on 30.04.2025, and subsequently, the 2nd Defendant filed her Written Statement. This Court on 01.11.2025, framed the issues. The petitioner/plaintiff had filed eight (8) documents at the time of presenting the Plaint to prove her title and Ownership over the Suit Property (These documents shall be marked as Ex.A1 to Ex.A8) as follows, The Sale Deed Document as Ex. A1 ; The Decree and Judgement copy of (O.S.No.61/2016) as Ex.A2 ; the Encumbrance Certificate copy as Ex.A3 ; the Guideline Value as Ex.A4, EB Card as Ex.A5, the Water Tax Receipt as Ex.A6, the Property tax Receipt as Ex.A7, the Aadhar Card of the plaintiff as Ex.A8. But unrealistically the 2nd Defendant made a Counter claim over the suit property. Hence the issues have been framed in such a manner. Being the Dominus Litus, the Plaintiff is supposed to prove that the Suit Property been purely purchased out of her money and not by any sort of contributions or whatsoever made by the 2nd Defendant. At the time of presenting the Plaint, this Petition concerns Documents were not able to be produced before this Court to establish her case; Presently the Suit is ripe for Trial and posted for Plaintiff's side evidence. Thus, to prove her contentions, she has been filing this Petition to receive Additional Documents in her side evidence. Now while taking the Plaintiff's side chief examination, she need to mark the documents mentioned herein under to prove her case so she has no other option rather than approaching this Hon'ble court and no prejudice would be caused to the defendants if this Petition is allowed but if this petition is not allowed, she would be put into irreparable loss and Hardship. Hence, prays to receive the additional documents.

3. Brief Averments made in the Counter is as follows:

The Defendant submitted that the petition filed by the plaintiff seeking reception of additional documents at this belated stage is not maintainable either in law or on facts. The plaintiff has already filed the suit along with eight documents and the matter is now posted for plaintiff's evidence. The present petition is only an afterthought filed with an ulterior motive. The plaintiff has not given any proper or satisfactory explanation as to why these documents were not produced earlier at the

time of filing the suit. All the documents now sought to be marked were already within the knowledge and possession of the plaintiff. The petition is filed only to fill up lacunae in the plaintiff's case. The bank statement dated 06.03.2013 sought to be marked as Ex.A9 is wholly irrelevant to the issues framed by this Hon'ble Court. The plaintiff has not established any nexus between the said statement and the purchase of the suit schedule Property. A mere filing of a bank statement does not prove exclusive purchase by the plaintiff. The order copy in F.C.O.P.No.2573/2013 sought to be marked as Ex.A10 pertains only to matrimonial proceedings and has no connection whatsoever with the present suit. The divorce proceedings are unrelated to the question of title or recovery of possession. The plaintiff is unnecessarily introducing collateral matters only to prejudice the defence. The Police complaint allegedly given by the 2nd defendant, sought to be marked as Ex.A11, is wholly irrelevant and unnecessary for adjudication of the present suit.

The plaintiff has not revealed as to how she obtained a copy of the said police complaint and under what authority it is in her possession. The plaintiff has merely stated that she has produced originals, but she has not explained how the police complaint copy can be treated as an original document in her hands, and therefore the said document cannot be received or marked in evidence. The judgment copy in C.C.No.1553/2018 sought to be marked as Ex A12 is filed with suppression of material facts. She has deliberately failed to disclose that the 2nd defendant preferred an appeal and she was acquitted in the said criminal proceedings. She is attempting to mislead this Hon'ble Court by producing incomplete records. The marriage photograph sought to be marked as Ex.A13 has no evidentiary value and is wholly irrelevant to the issues framed in the present suit. The said photograph allegedly shows only the 2nd defendant and does not prove any aspect regarding title or contribution of gold jewellery. The said document is unnecessary and cannot be received in evidence. By allowing the plaintiff to mark these additional documents at this belated stage would cause serious prejudice to the 2nd defendant. The petition is filed only to delay the proceedings and to unfairly strengthen the plaintiff's case and

the present petition deserves outright dismissal in the interest of justice. This Court may be pleased to dismiss the petition filed by the plaintiff seeking reception of additional documents Ex.A9 to Ex.A13, as the same are irrelevant, misleading and filed with an ulterior motive.

Though the 1st defendant was set ex parte, the said defendant is none other than the own brother of the plaintiff and the present proceedings are filed in collusion with him. The plaintiff and the 1st defendant are acting hand in glove only with an intention to evict the 2nd defendant from the suit property unlawfully. The ex-parte order against the 1st defendant itself shows the collusive nature of the suit. Most of the additional documents now sought to be marked are documents which allegedly arose out of interactions between the defendants themselves. The plaintiff has not explained as to how she obtained such documents, nor has she disclosed the source or authority under which the same came into her possession. In the absence of proper explanation and proof of genuineness, such documents cannot be received in evidence. Hence, prays to dismiss the petition.

4. The point for determination is,

Whether the additional documents sought to be received on the side of the plaintiff or not?

Answer:

5. This court has given its thoughtful consideration to the rival submissions put forth by either side. On careful perusal of the records, it is found that the present suit was filed by the plaintiff seeking for a direction to direct the respondent to vacate and hand over the vacant possession of the suit property. In this case, issues were framed on 01.11.2025 and the matter was posted for trial. At that juncture, the petitioner/plaintiff has come up with the present application seeking to file certain documents as additional documents on the side of the plaintiff. According to the petitioner/plaintiff, the plaintiff has filed 8 documents to prove her title. But the 2nd defendant has come up with the counter claim and therefore, the petitioner being the plaintiff and Dominus Litus, has to prove that the Suit Property was purchased out of

her money and not by any sort of contributions made by the 2nd Defendant. Therefore, she wants to file the additional documents listed below:

Exhibits	Date	Nature of Documents	Remarks
A9	06.03.2013	Plaintiff's Bank Statement	Xerox Copy
A10	11.03.2013	13-B Order Copy of F.C.O.P No. 2573/2013 by Principal Family Judge Chennai.	Xerox Copy
A11	18.01.2013	Complaint given by Mrs. Malathi (Defendant) as against the Plaintiff	Xerox Copy
A12	08.03.2022	Judgement copy of C.C.No.1553 /2018 by the VII Metropolitan Magistrate George Town, Chennai.	Web Copy
A13		Marriage Photo of Defendants.	Xerox Copy

6. On the other hand, the 2nd respondent contended that the present petition has been filed only an afterthought at this belated stage and no proper or specific explanation was offered by the petitioner as to why those documents were not produced at the time of filing of the suit itself. All these documents are filed within the knowledge and possession of the plaintiff. The present petition has been filed only to fill up the lacunae in the plaintiff's case. According to the respondent, the documents which are sought to be received as additional documents are irrelevant to the case on hand. Therefore, the 2nd respondent prays for dismissal of the present petition.

7. No doubt all these documents are available with the plaintiff even at the time of filing of the suit itself. However, the said documents were not filed along with the plaintiff and according to the petitioner/plaintiff, since the 2nd defendant has come up with the Counter claim, she has to prove her title by producing the documents that the suit property was purchased from and out of her own funds. The trial is not yet commenced. This court, being the trial court, is of the considered view that the parties to the litigation to be given a full and fair opportunity to let in evidence either oral or documentary, to substantiate their respective cases and the

evidences are not to be rejected at the threshold itself. Therefore in the interest of justice, this court is inclined to permit the petitioner/plaintiff to file those documents subject to proof and relevancy. Accordingly, point is answered.

8. In the result, this petition is allowed and the petitioner/plaintiff is permitted to file the additional documents, subject to proof and relevancy of those document at the time of trial. The parties are directed to bear their own costs.

Dictated to Stenographer, transcribed by her, corrected and pronounced by me in the open Court, this the 20th day of April 2026.

Principal Judge.

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