

IN THE IV ADDITIONAL CITY CIVIL COURT, CHENNAI

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

Friday, the 20th day of June. 2025

I.A.No.7 of 2025

in

**Original Suit No.1976 of 2023
CNR No.TNCH01-009054-2023**

Mrs. N. Vijayalakshmi
Rep.by her Power of Attorney
Mr.N.Parthasarathy
No.15, Jagadeeswaran Street,
T.Nagar, Chennai.

...Petitioner/plaintiff

versus

M/s. Sri Venkata Ramana Travels
Rep. by its Proprietor
Mr.Sri Medikonda Ramakrishna
New Nos.5 & 7 (Old Nos.3&4),
Ground Floor, Raghaviah Road
T.Nagar, Chennai.

...Respondent/Defendant

This petition came up on 17.06.2025 for final hearing before this Court in the presence of M/s.N.Premkumar, R.Prasanna Vineeth Durai and M.Chinnathambi counsel for the petitioner/plaintiff and of M/s.E.Vinoth Kumar counsel for the respondent/defendant and on perusal of affidavit petition and counter and upon hearing the arguments on both sides and having stood over the matter for consideration till this day, this court delivered the following:

ORDER

This petition is filed under Order VII Rule 14(3) of CPC by the petitioner/plaintiff seeking to receive the additional documents and mark the same as exhibits in the above suit.

2. The brief fact in the affidavit filed by the petitioner/Plaintiff:

This petitioner/plaintiff has filed the main suit for recovery of possession and other reliefs. This petitioner filed along with plaint all such relevant document, which are relevant and necessary for proper adjudication of the issues involved in the suit. Subsequent to the filing of the suit, the plaintiff had filed a petition in I.A.No.3/2023 seeking for attachment before Judgment and the defendant filed his counter. Apart from that, the defendant also gave an undertaking that they will not alienate or transfer the ownership of the bus in any manner without permission of the court till the disposal of the suit. After hearing both side submissions and also considering the undertaking given by the defendant, this Court passed an order on 21.02.2024 as follows:

In the result, this petition is disposed of by imposing the condition that respondent shall abide by the undertaking given by him in the counter affidavit filed in this petition and the respondent is directed not to alienate or to transfer the ownership of the bus bearing Registration No.AP-16-TH4554 to anybody – else till the disposal of the suit as undertook by him.

The said order to be marked as exhibits in the above suit as a relevant document to show the source of defendant that they are capable of paying the arrears of rent. In spite of which, the defendant has not paid the rents from April, 2020 to July 2023.

Likewise, the defendant herein also filed an application in I.A.No.4/2023 seeking permission for him to deposit the monthly rents only from August, 2023. In which, this petitioner/plaintiff filed counter and after hearing both sides, this court passed order on 21.02.2024 and held that since the monthly rents payable for the period from April, 2020 to July, 2023 is a triable issue and which is to be adjudicated

only at the time of trial and this court finally ordered as follows:

In the result, this petition is allowed to the extent by directing the petitioner to deposit the every month rent into the bank account of the respondent on or before the 5th of every succeeding English Calender Month; failing which the respondent is entitled to claim interest for the defaulted amount at the rate of 12% per annum and the arrears of the rent amount for the period from August, 2023, till January 2024, shall be deposited by the petitioner into the account of the respondent within a period of 15 days from this date, failing which, the respondent is entitled to claim interest for the said amount at the rate of 12% per annum.

The above said order passed I.A.No.4/2023 is also to be marked as exhibit.

The Hon'ble High Court, Madras, already ordered the subject building to demolish and reconstruct by the common orders passed in CRPs., in December 2022.

The copies of photographs totally 6 nos, along with necessary bill, CD, and certificate under the Bharathia Sakshya Adhiniyam Act, 2023 are to be marked as exhibits on the petitioner side to prove the pathetic condition of the subject suit property.

The Bank statement of the plaintiff is also to be marked as exhibit, which would shows that the defaulting attitude of the defendant. The petition mentioned documents are as follows:

1. : Copy of fair order passed in I.A.No.3/2023 in O.S.No.1976/2023 dated 21.02.2024
2. : Copy of fair order passed in I.A.No.4/2023 in O.S.No.1976/2023 dated 21.02.2024
3. : Photographs (6 Nos.) CD and Bill along with certificate under section 63(4)(c) of the B.S.A. Act.,2023.
4. : Bank statement of the plaintiff (2020-2025)
5. : Certified copy of common order passed in batch of CRPs.Nos.3407, 3409, 3410,3411 and 3467 of 2022.

All the above said documents are happened to be subsequent to the filing of suit and hence the same could not be filed along with the plaint. These documents are very relevant and necessary for proper and effective adjudication in the matter in issue.

3. The counter filed by the respondent in short as follows:

The alleged documents enclosed to the petition in respect of doc.No.1 and 2 are not necessary to mark on the petitioner side. In respect of Doc.No.3 which are not filed earlier with any kind of application and those photographs are required certificate u/s. 65 B of Indian Evidence Act,/Sec. 63(4)(c) of BNSS Act. This certificate enclosed along with doc.No.3 is not an authorized one as such the said document is not permissible to receive the same and mark the photographs as one of the exhibits. The Bank statement is required to be marked through concerned Bank and the same is not contain any seal or certificate by the Bank Authorities. The order copy of the Hon'ble High Court, Madras, was already sent to this Court and those document also part and parcel of court record. In the above circumstances, the said documents are not permissible to mark as exhibits on behalf of this petitioner/plaintiff and this petitioner is suppressing the real facts with an intention to harass this respondent. Hence, he prayed for dismissal of this petition.

4. On either side, no oral evidence adduced and no documents produced.

5. The point for consideration :

Whether the petition mentioned document is to be received or not?

6. Point:

Heard both sides. Records perused. Admittedly, the suit is for recovery of possession and for arrears of rent. This case is posted for trial at this stage, this petitioner/plaintiff has filed this petition to receive below mentioned documents as additional document and marked as exhibits on his side.

1. : Copy of fair order passed in I.A.No.3/2023 in O.S.No.1976/2023 dated 21.02.2024
2. : Copy of fair order passed in I.A.No.4/2023 in O.S.No.1976/2023 dated 21.02.2024
3. : Photographs (6 Nos.) CD and Bill along with certificate under section 63(4)(c) of the B.S.A. Act.,2023.
4. : Bank statement of the plaintiff (2020-2025)
5. : Certified copy of common order passed in batch of CRPs.Nos.3407, 3409, 3410,3411 and 3467 of 2022.

On the side of the respondent/defendant pleaded that the documents filed by the plaintiff with this petition are not necessary and there are part and parcel of the court records hence, not at all to be received and marked as exhibits. The petitioner/plaintiff is suppressed the real fact and drag on the proceedings.

On perusal of the above documents, all the above said documents are happened to be subsequent to the filing of suit and hence the same could not be filed along with the plaint. Even though these documents are happened to be subsequent to the filing of suit, those documents are relevant and necessary to prove the facts of this case. The Doc. No.3 photographs are filed with certificate u/s. 65 B of Indian Evidence Act,/Sec. 63(4)(c) of BNSS Act. This certificate

enclosed along with doc.No.3 is an authorized person as such the said document is permissible to receive the same and mark the photographs as one of the exhibits. The Doc. No.4 Bank statement is duly signed by the manager and proper seal also obtained. It is not at all necessary to mark through the concerned Bank manager. Further, those documents are necessary for proper and effective adjudication of this suit. As observed above, this Court is inclined to allow this petition subject to proof and relevancy and this point is answered accordingly.

In the result, this petition is allowed. Documents are received subject to proof and relevancy.

Dictated to the stenographer directly and computerized by her, corrected and pronounced by me in the open Court, this the 20th day of June, 2025.

IV Additional Judge,
City Civil Court, Chennai.

Both side witness and exhibits:

IV Additional Judge,
City Civil Court, Chennai.

Draft/Fair Order
I.A.No.7/2025
in
O.S.No.1976/2023
Date:20.06.2025
IV Additional
City Civil Court
Chennai.