

IN THE III ADDITIONAL CITY CIVIL COURT, CHENNAI

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

Saturday, the 1st day of November 2025

I.A.No.06 of 2025

in

O.S.No.3063/2020

1. R. Saradha, W/o. Late Rajendran

2. Indumathi, D/o. Late Rajendran

3. R. Vinodh, S/o. Late Rajendran

4. Sharmila, D/o. Late Rajendran

All are residing at No.44/14, 11th street, Plot No.96, Ashok Nagar, Chennai-600 083.

...Petitioners/ Defendants 3,4,5 & 6

Vs.

1. Mahadevi, D/o. Veerappan, W/o. Selvakumar, residing at No.4/222B, Nagathamman Kovil Street, Manimedu Thandalam, Chennai.

2. Tmt Devendhri, D/o. Veerappan, W/o. Loganathan, residing at No.3/85, Madha Kovil Street, Orathur Post, Orathur, Vilupuram Taluk, Vilupuram District, Chennai-605 601.

...Respondents 1&2/ Plaintiffs

3. Gajendran (died)

4. V. Mahendran, S/o. Veerappan, residing at No.44/14, 11th street, Plot No.96, Ashok Nagar, Chennai-600 083.

5. The chairman, TamilNadu Slum Clearance Board, residing at No.5, Kamarajar Salai, Chepauk, Chennai-600 005.

6. Ruby, W/o. Late V. Gajendran

7. Prakash, S/o. Late V. Gajendran

8. Anitha, D/o. Late V. Gajendran

9. Swapna, D/o. Late V. Gajendran

10. Renusudha, D/o. Late V. Gajendran

6 to 10 all are residing at 14/43, Puthur, 11th street, Ashok Nagar, Chennai-600 083.

... Respondents 3 to 10/

Defendants 1,2&7,8,9,10,11&12

This petition came up on 28.10.2025 for final hearing before this Court in the presence of M/s. Ramapriya Gopalakrishnan and S. Murugan Counsels for the Petitioners/ Defendants 3,4,5,6 and of Mr. K. Jayaraman Respondents 1 & 2, and upon hearing the arguments on both sides and having stood over for consideration till this day, this Court delivered the following:

ORDER

This petition filed Under Order VIII Rule 1A(3) of CPC to grant leave to the petitioners herein to file the following document and receive the same as evidence.

2. The averments in the affidavit in support of the petition in short as follows:

She state that he is the petitioner and 3rd Defendant in the above suit. She is filing this affidavit on behalf of the Petitioners 2 to 4 herein.

She state that the Plaintiffs have filed the suit for a preliminary decree of partition and allotting 2/5th share to the Plaintiffs and to put the plaintiffs in possession of the same. The Plaintiffs have also sought for a relief of permanent injunction restraining us from alienating or encumbering the Suit Property.

She state that we had filed our written statement inter alia pleading that the Plaintiffs have not impleaded all the legal heirs of my husband late Rajendran as

parties to the suit. We had also stated that I had only paid the dues to the Tamil Nadu Slum Clearance Board.

She state that subsequent to the filing of the suit in June 2022, disputes arose between the parties, resulting in a Police complaint being filed in FIR No 147/2022 with the Ashok Nagar Police Station by the wife of the 3 Respondent herein, wherein the status of the legal heirs has been affirmed. I had filed a photocopy of the same along with the petition filed by me earlier for receipt of additional document. The certified copy of the same was not in my possession at that point of time. The said petition was allowed by this Hon'ble Court and the documents including copy of the FIR was received as additional Document vide order dated 05/07/2023 in IA No 3/2023. In the meantime, the 1st Defendant had died and petition to bring on record the LRs and other consequential proceedings were pending in the present suit and in the process by inadvertence, I omitted to get the certified copy of the said FIR from my counsel who is dealing with the criminal case. I came to know of this omission when the said documents filed by me were sought to be marked as exhibits before this Hon'ble Court.

She state that the FIR is part of the record of the criminal proceedings pending on the file of the XVII Metropolitan Magistrate Court, Chennai. I had to therefore request my counsel in the local court to apply for a certified copy of the said FIR. The certified copy was received by me from our counsel only on 03/09/2025.

She state that the above document is absolutely necessary for arriving at a just decision on the case. I state that the non filing of the certified copy of the said FIR No

107/2022, Ashok Nagar Police Station is neither wilful nor wanton, but for the reason stated above. The Petitioners herein would be put to grave and irreparable hardship if the said document is not taken on record for the purpose of defending the suit. On the other hand, the documents if received would not cause any prejudice to the Respondents.

3. The averments in the affidavit in support of the counter by the Respondents 1 and 2 in short as follows:

The respondent state that he is the first respondent and he is well acquainted with the facts of the case. He is filing this counter on behalf of the 2nd respondent also.

He deny all the allegations and averments contained in the affidavit except those that are specifically admitted herein and puts the petitioners to strict proof thereof.

He state that we have filed the above suit for partition and permanent injunction and I crave leave of this Honourable court to treat the same as part and parcel of this counter.

He state that the affidavit filed by the petitioner seeking to receive and rely upon the FIR is wholly misconceived not maintainable and deserves to be rejected at the threshold.

He state that it is well settled that an FIR is not a substantive piece of evidence and cannot be treated as proof of the facts stated therein. This court has no jurisdiction to entertain or adjudicate upon the validity, admissibility or consideration

of criminal records such as FIR which are governed under the Code of Criminal procedure.

He state that the proceedings before the civil court are civil in nature. Any reliance upon an FIR or criminal complaint pertains exclusively to criminal proceedings and is outside the purview of the court. Hence the affidavit filed by the petitioner is liable to be dismissed.

He state that the FIR does not in any manner advance the case of the petitioner. In the Civil dispute and the said proceeding is wholly irrelevant. Filing such document only seeks to prejudice this court and unnecessarily complicate the proceeding. The petitioner has attempted to introduce criminal records by way of affidavit without following due process of law.

4. Point for consideration:

Whether the petition is to be allowed or not?

5. No oral evidence adduced and no documents produced on either side.

6. Point :

The petitioner has stated that she is the third defendant and representing other petitioner 2 to 4 and 4 to 6 defendants also. During the pendency of the suit in June 2022 dispute arose between the parties resulting in police complaint being filed in FIR No.147/2022 with the Ashok Nagar, Police station by the wife of the 3rd respondent herein, Wherein the status of the legal heirs have been affirmed. I have filed a photocopy of the same along with the petition and subsequently I have got the

certified copy of the same. The document is very much required and essential hence the same may be received as a document on the side of the petitioner/defendant. Hence the petition.

Whereas in the counter, the respondent has denied seeking to receive the FIR as the document on the side of the petitioner for the reason it is wholly misconceived and not maintainable. The FIR is not the substantive piece of evidence and cannot be treated as the proof of the case therein the court has no jurisdiction to entertain or adjudicate the validity admissibility and consideration the criminal records such as FIR which are governed under the code of Criminal Procedural Code before the civil court the proceeding before the civil court are civil in nature any reliance upon the FIR and the criminal complaint pertaining to exclusive criminal procedure and outside the purview of the court . Hence petition is liable to be dismissed.

Heard both side the mere contention raised by the respondent is that the FIR is only reliable in the criminal court hence the same cannot be received. In most of the cases whenever any problem is arised between the parties initially for the said dispute they used to approach the police station and thereafter only by considering the dispute among the parties in most of the cases the police has advise the parties to approach the civil court for the appropriate remedy in such a circumstances in many of the cases the records belong to the criminal cases used to called by the court on petition but at the same time there was a dispute between the parties will be came to the knowledge of this court but it is true that it is not a substantive evidence by itself and its rule is limited by receiving the FIR or by receiving any document through a

petition mere allowing the petition will not amount to the said document has been considered in favour of the person who is filing the petition in such a circumstances mere allowing the petition for receiving the certified copy of the FIR not going to affect the case of the petitioner hence this petition is allowed with the condition that the said FIR can be received as the document in a civil partition suit to demonstrate the conduct or disputes between the parties as stated above. It is not a substantive evidence. Hence this petition is allowed and the said document will be received by this court subject to proof and relevancy of the document. In this way this petition is allowed. No Costs.

In the result, this petition is allowed with the condition the said FIR can be received as the document in civil partition suit to demonstrate the conduct or disputes between the parties as stated above. It is not a substantive evidence. Hence this petition is allowed and the said document will be received by this court subject to proof and relevancy of the document. In this way this petition is allowed. No Costs.

Directly dictated to the stenographer, computerized by her, corrected and pronounced by me in the open Court, this the 1st day of November 2025.

III Additional Judge,
City Civil Court, Chennai.

List of Witness and Exhibits on both side : Nil

III Additional Judge,
City Civil Court, Chennai.

Draft / Fair : Order
I.A.No.06/2025– in
O.S.No.3063 of 2020
Dated: 01-11-2025
III Additional City Civil
Court, Chennai.