

IN THE I ADDITIONAL CITY CIVIL COURT, CHENNAI

**Present: Thiru. R. Shanmuga Sundaram, B.Com., L.L.B.,
I Additional Judge.**

This Saturday, the 3rd day of January 2026

I.A.No.5 of 2025

in

OS.No.3600 of 2023

M/s. Woodlands,

Rep. by Partner,

N. Venkatesh.

....Petitioner/ Plaintiff

/versus/

Sudhakar,

S/o. Rajendran,

Proprietor,

M/s. Cement Concrete Works.

....Respondent / Defendant

This petition came up before me for final hearing on 18.12.2025 in the presence of M/s. T.S. Baskaran, Counsel appearing for the Petitioner / Plaintiff and of M/s. Shah & Shah, Counsel appearing for the Respondent/Defendant, and upon hearing the arguments from both side, upon perusing the entire 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 VII Rule 14(3) of CPC to permit the petitioner/plaintiff to file additional documents as detailed in the petition as plaintiff side documents and mark the same as exhibits in the above suit.

1. The averments found in the affidavit filed along with the petition are as follows:-

1(i) The petitioner is the one of the partners of the plaintiff's firm. The petitioner filed this affidavit on behalf of the other partners of the plaintiff's firm. The plaintiff's firm has filed the suit for the relief of recovery of possession and damages and for other relief against the respondent/defendant. The suit was originally filed before the Hon'ble High Court in C.S. No.402 of 2000. Due to the changes of the pecuniary jurisdiction of the City Civil Court, Chennai, the suit was transferred to this Hon'ble Court. The respondent/defendant disputed the title of the petitioner/plaintiff firm and refused to pay the monthly rent. Pending the suit, the respondent /defendant filed a suit in O.S.No.5833 of 2000 before the II Assistant City Civil Court, Chennai, seeking to interplead the alleged title dispute between the petitioner and one Lalitha. In the said suit, the Lalitha was filed written statement admitting the title of the petitioner firm and directed the respondent to pay the rent to the petitioner firm. Even after the filing of the written statement, the respondent conducted the suit. The above said suit was dismissed by judgment and decree dated 22.10.2025. The above said judgment was clear that there is no dispute with regard to the title of the petitioner firm, and the said Lalitha and her family members never demanded the rents. The certificate copy of the written statement by the said Lalitha and Web Copy of the judgment and decree

passed in the suit O.S.No.5833 of 2000 are filed as additional documents in the above suit.

1(ii) The managing partner, B.M. Narayanasamy, died on 26.07.2008. Due to the death of B.M. Narayanasamy, the partnership firm was reconstituted by a deed of reconstitution dated 26.07.2008. The Web copy of the death certificate of B.M. Narayanasamy, Certificate of Registration of the petitioner firm, as well as the copy of the reconstitution deed, are filed herewith as additional documents. The original reconstitution deed is deposited in the bank, and therefore, a copy of the said deed is produced herewith. Further, Income Tax returns of the petitioner firm filed for the year 31.03.2008 to 31.03.2009 to show the details of partners. These additional documents could not be filed along with the plaint. These additional documents are necessary to prove out contention in the above suit. Hence, this petition.

02. The averments found in the counter affidavit filed by the respondent areas follows:-

2(i) The respondent is the defendant in the suit. The respondent is the Proprietor of Cement Concrete Works. The respondent has filed application No.3863 of 2000 under Section 9 of the City Tenant Protection Act and the petitioner also filed its counter in November 2000. When the respondent has submitted its written statement in October 2000. Subsequently, the respondent

filed an additional written statement in September 2001. The said application is still pending and has not been disposed by the Hon'ble High Court, while the matter was pending there. On 01.09.2004, the Hon'ble High Court of Madras passed an order directing the registry of post the application along with the suit as such there is no possibility of the application having been disposed of. Since, the respondent has invoked Section 9 of the City Tenant Protection Act. The statement in the affidavit filed in support of the above application, asserting that all the documents came into existence after filing the case, is undoubtedly true. Except for the fifth document, the first four documents are dated 2004, 2005 and 2008. No explanation has been provided as to why the petitioner/plaintiff has caused an inordinate delay in filing the present application. The tone and tenor of the affidavit are consistent with the language and reasoning in the judgment dated 22.10.2025 in O.S.No.5833 of 2000. The allegations in other paragraphs are not addressed because they are not relevant to disposing of this application. However, not addressing those allegations should not be seen as the respondent/defendant's agreement to claims or statements that contradict the facts. The respondent/defendant reserves the right to file an additional counter-affidavit to clarify any ambiguity. Hence this petition may be dismissed.

03. Point for consideration :

Whether this petition is to be allowed or not?

04. To the Point:-

5. I have carefully considered the both side submissions. The petitioner is the plaintiff and the respondent is the defendant in the suit. The petitioner/plaintiff has filed the suit for the relief of recovery of possession and damages and for other relief against the respondent/defendant. The case was posted for the trial and the plaintiff was examined as PW1 in chief on 24.11.2025. When the case was posted for marking of documents on the side of the plaintiff, the petitioner has come forward with this application stating that the documents filed along with the petitions are came into existence during the pendency of the suit and hence the above said documents are not be filed along with the plaint and the documents are necessary to prove the contention of the petitioner/plaintiff. The petitioner has filed the death certificate of the Managing Partner, B.M. Narayanasamy as document No.1. Further according to the petitioner, the partnership firm was reconstituted by a deed of reconstitution dated 26.07.2008 and the certified copy of the Form A issued by the Register of Firms and the written statement filed by the 2nd defendant one Lalitha in O.S.No.5833 of 2000 on the file of the City Civil Court, Chennai and the certified copy of the judgment passed in the above said suit in O.S.No.5833 of 2000 dated 22.10.2025 are vital documents and the petitioner has also filed Certificate under Section 65B of the Indian Evidence Act 1872.

6. The respondent has filed the counter stating that there is no explanation on the side of the petitioner for filing the present petition with inordinate delay. Except the above said contention and no other valid grounds raised to decide the present petition. Admittedly, the original suit was filed by the plaintiff through its Managing Partner Thiru. B.M. Narayanasamy. After the demise of the above said B.M.Narayanasamy, the PW1 name has been substituted in the place of B.M. Narayanasamy and the amended plaint was filed on 04.09.2025. Therefore, it is not possible for the PW1 to file the documents at the earlier point of time.

7. The present suit was filed in the year 2000 before the Hon'ble High Court of Madras. Therefore, there is a delay in proceeding the suit. However, the delay in proceeding the trial alone will not be taken as a ground to dismiss the present petition. Admissibility, relevancy and its proof of all the documents are to be decided during the trial. Therefore, this court is inclined to allow the petition. Accordingly, the petition is allowed and the above said Documents No.1 to 5 are received subject to proof and relevancy.

In the result, the petition is allowed. No costs.

This Order has been dictated by me to the steno typist, transcribed and computerized by her, corrected and pronounced by me in the open Court on this Saturday, the 3rd day of January 2026.

I Additional Judge,
I Additional City Civil Court, Chennai.

I Additional City Civil
Court, Chennai
Draft/Fair Order in
I.A.No.5/2025
in
OS.No.3600/2023
Date:03.01.2026