

IN THE IV ADDITIONAL CITY CIVIL COURT, CHENNAI

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

Wednesday, the 22nd day of July 2026.

I.A.No.4 of 2026

in

O.S.No.3793 of 2023

CNR No.TNCH01-022383-2023

P. Suresh Babu,
S/o.Late.T. Ramadoss

...Petitioner/Plaintiff

versus

1. R. Rajeshwari,
W/o.Late.T. Ramadoss

2. G. Shanthi,
W/o.Late.P. Gopal

3. C.V. Vijayalakshmi,
W/o.C.K. Vijayakumar

4. R. Dakshinamoorthy,
S/o.Late.T. Ramadoss

5. S. Chitra,
W/o.C. Sakthivel

6. C. Sakthivel,
S/o. Chokkalingam

...Respondents/Defendants

This petition having come up on 13.07.2026 for final hearing before me in the presence of M/s.Christopher Vijayachandran, M.Mohamed Riazudeen counsels for the petitioner/plaintiff and of M/s.Sharath.P.Nair, R.Silambarasan counsel for the respondents/defendants 1, 3 and 4 and of M/s.N.K.Sekar, S.Kesavan and K.B.Palani Velrajan counsels for the respondents/defendants 5 and 6 and 2nd respondent/defendant set exparte in the suit, and upon hearing the arguments from the counsels for both side, upon perusing the relevant records of this case and having stood over for consideration till this day, this Court passed the following:

ORDER

This petition is filed by petitioner/plaintiff under Order VII Rule 14 (3) of CPC to file the order of the First Appellate Authority, Canara Bank, RTI Cell, Anna Salai, Teynampet, Chennai, dated 08.09.2023 bearing Ref. RL/RTI/Appeal/16/GS/2023 more fully described in the list below and receive the same in evidence.

1 - Averments stated in the affidavit of the Petitioner/Plaintiff as follows:

The petitioner/plaintiff stated that, the suit has been filed for the reliefs of partition, accounts in respect of the plaintiff's share, declaration and for permanent injunction. He had applied to the Information Officer, Canara Bank under the Right to Information Act seeking the details of the bank account held by the petitioner's father is T.Ramadoss, and the date of opening of the same. The petitioner application was rejected and he preferred RTI Appeal on 23.08.2023 with the First Appellate Authority, Canara Bank, RTI Cell, Anna Salai, Teynampet, Chennai. The said First Appellate Authority by order dated 08.09.2023 bearing Ref. RL/RTI/Appeal/16/GS/2023 has provided him with the information sought for, namely the date on which the bank Account No.0918101001424 of T.Ramadoss was opened.

The petitioner case in the suit is that the plaint "A" schedule mentioned property is not the self acquired property of his father, T.Ramadoss but on the other hand it is ancestral property purchased out of the funds given as compensation by the Government for acquisition of land belonging to V.K.Thangavelu Pillai, the father of the said T.Ramadoss. The above said document is very much and absolutely necessary and essential to prove his case and also for better and effective adjudication of the disputes arising in the suit. Hence, he was not able to file the same along with the plaint in the above suit. Hence, the petition.

02. Averments made in the counter filed by the 4th Respondent/Defendant and adopted by the Respondents 1 and 3 as follows:

The copy served on these respondents discloses that the application has been filed under Order VII Rule 14 (3) of CPC. Even according to the petitioner, the date of the RTI Appellant Order dated 08.09.2023. The suit itself has been instituted in the year 2023. Despite having knowledge and possession of the said document from 2023 onwards, the petitioner has chosen not to file the same along with the plaint or at any earlier stage. No sufficient explanation has been offered for such inordinate delay. The present application has been filed only at a belated stage when the suit is ripe for trial. The conduct of the petitioner clearly demonstrates lack of due diligence and the present application has been filed solely with an intention to protract the proceedings and delay the disposal of the suit.

The proposed additional document does not establish or prove the fact in issue in the present suit. The only information sought to be introduced through the said document is the date of opening of a bank account in the name of the father of the plaintiff and defendants, namely 25.03.1967. The petitioner's case is that the suit property was purchased by the father of the parties out of compensation allegedly received from the Government on acquisition of ancestral property and therefore the suit property assumes the character of joint family/ancestral property. The proposed document does not in any manner prove any nexus whatsoever between the alleged compensation amount and the purchase of the suit property. The mere existence or opening of a bank account cannot lead to any presumption that compensation amount was deposited therein or that the same was utilized for purchase of the suit property. In the absence of such foundational evidence, the proposed additional document is wholly irrelevant and lacks any evidentiary value. The document is incapable of advancing the petitioner's case and does not aid effective adjudication of the issues involved in the suit.

The petitioner is attempting to create a speculative inference without any legally acceptable evidence. The present application is nothing but an attempt to fill up the lacuna in the petitioner's case after realizing the weakness in the pleadings and evidence. It is submitted that, reception of the proposed document would cause serious prejudice to these respondents and would unnecessarily prolong the proceedings without serving any useful purpose. Therefore, the present application is misconceived, devoid of merits, legally unsustainable and liable to be dismissed with exemplary costs.

03. Averments made in the counter filed by the 5th Respondent for himself and on behalf of the 6th Respondent as follows:

The plaintiff has filed the present suit for partition and the respondents was the bonafide purchaser of the part of suit property. The respondents had already filed a detailed Written Statement contesting the groundless claims of the plaintiff. Upon a bare perusal of the plaint, there is absolutely no mention, pleading, or whisper regarding the nature, existence, or relevance of the documents now sought to be introduced. A party cannot be permitted to travel beyond their pleadings, and no amount of evidence can be looked into a fact that has not been pleaded. If the plaintiff is permitted to bring these new documents on record at this stage without any foundation laid out in the original plaint. The plaintiff has failed to offer any plausible, cogent, or sufficient reason as to why these documents were not produced along with the plaint or entered in the list of documents annexed to the plaint. The documents sought to be produced now were will within the custody, knowledge, and control of the plaintiff at the time of filing the suit. The affidavit of the plaintiff is completely silent on what "due diligence" was exercised by them to bring these documents forward at the first instance. The present application is an afterthought, highly belated, and aimed at setting up a completely new case mid-trial, which is impermissible under procedural law. Hence, they prayed to dismiss this petition.

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

5. Point for determination:-

Whether this petition is to be allowed or not?

6. Point for consideration :-

The suit has been filed by the petitioner/plaintiff for partition of 1/5th share in the suit property and allot one such share to the plaintiff and for accounts in respect of the plaintiff's share of rents and income from the plaint 'A' schedule property, to declare the Settlement Deed dated 13.09.2007 in favour of the 4th defendant is null and void and declare the Sale Deed dated 29.10.2020 in favour of the 4th defendant is null and void and for permanent injunction. On perusal of Notes Paper it reveals that, in this case issues were framed and the case is posted for trial. At this stage, the petitioner/plaintiff filed this receive document petition.

07. The counsel for the petitioner/plaintiff stated, this petitioner/plaintiff had applied to the Information Officer, Canara Bank under the Right to Information Act seeking the details of the bank account held by the petitioner's father is T.Ramadoss, and the date of opening of the same. The petitioner application was rejected and he preferred RTI Appeal on 23.08.2023 with the First Appellate Authority, Canara Bank, RTI Cell, Anna Salai, Teynampet, Chennai. The said First Appellate Authority by order dated 08.09.2023 bearing Ref. RL/RTI/Appeal/16/GS/2023 has provided him with the information sought for, namely the date on which the bank Account No.0918101001424 of T.Ramadoss was opened. The above said document is very much and absolutely necessary and essential to prove his case and also for better and effective adjudication of the disputes arising in the suit. Hence, he was not able to file the same along with the plaint in the above suit.

08. The Respondents 1,3, 4 to 6/Defendants counsel stated that, the copy served on these respondents discloses that the application has been filed under Order VII Rule 14 (3) of CPC. Even according to the petitioner, the date of the RTI Appellant Order dated 08.09.2023. The suit itself has been instituted in the year 2023. Despite having knowledge and possession of the said document from 2023 onwards, the petitioner has chosen not to file the same along with the plaint or at any earlier stage. No sufficient explanation has been offered for such inordinate delay. The present application has been filed only at a belated stage when the suit is ripe for trial. The respondents had already filed a detailed Written Statement contesting the groundless claims of the plaintiff. It is a well-settled principle of law that a party cannot be permitted to travel beyond their pleadings, and no amount of evidence can be looked into a fact that has not been pleaded.

9. Heard both sides arguments and records perused. This suit is filed for partition and for declaration. This petitioner/plaintiff filed 9 documents along with plaint. Now, the petition mentioned document that is the First Appellate Authority, Canara Bank, RTI Cell, Anna Salai, Teynampet, Chennai, dated 08.09.2023 bearing Ref. RL/RTI/Appeal/16/GS/2023 is necessary document to prove his case. Even though this document is produced at the time of commencement of Trial. It is not the belated stage as if objected by the Respondents/Defendants. This petitioner stated that the above said document is very much and absolutely necessary and essential to prove his case. The reason stated by the petitioner is acceptable one. The petitioner stated that the above document is to be marked for better and effective adjudication of the disputes arising in the suit. Mere marking of the document is not fatal to the case. After completion of the Trial proceedings only the documents are relevant or irrelevant to be decided. This Court is giving opportunity to the petitioner/plaintiff to prove his case by way of marking

sufficient documents. If the petition is allowed, there is no prejudice caused to other side. Considering the above facts and circumstances of this case, this court is inclined to allow this petition subject to the proof and admissibility of the documents.

In this result, this petition is allowed subject to the proof and admissibility of the documents.

This Order dictated to the steno-typist directly and computerized by her, corrected and pronounced by me, in the open Court, this on Wednesday the 22nd day of July 2026.

IV Additional Judge,
City Civil Court, Chennai.

Both side Exhibits and Witnesses:- Nil

IV Additional Judge,
City Civil Court, Chennai.

**Draft/ Fair Order
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Dated:22.07.2026.
IV Additional
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