

IN THE IV ADDITIONAL CITY CIVIL COURT, CHENNAI

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

Wednesday, the 8th day of July 2026

**I.A.No.16 of 2026
in
O.S.No.5681/2019
[CNR.No.TNCH01-024439-2019]**

1. Sivaraman (Deceased)

2. S.Devaki

3. V.Kavitha

4. Geetha

5. S.Sujatha

6. S.Subashini

7. S.Senthil Kumar

...Petitioners/ Plaintiffs

Vs.

1. N.Gobinathan(Deceased)

2. G. Kamala

3. P.C.Harikumar

4. G.Sathish Kumar

5. G.Sarath Kumar

6. G.Suresh Kumar

...Respondents/ Defendants

This petition came up on 01.07.2026 for final hearing before this Court in the presence of M/s. J.Kamaraj Counsel for the Petitioners/Plaintiffs and of M/s.G.Sumitra Counsels for the Respondents 1, 2, 4 to 6/Defendants 1, 2, 4 to 6 and M/s.A.Arumugam and C.Meera Arumugam Counsel for 3rd Respondent/ 3rd Defendant, 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 has been filed under Order VII Rule 14(3) of CPC to receive the additional documents mentioned in this petition.

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

The petitioner/7th plaintiff filed affidavit stating that, his father late Sivaraman filed the above suit for declaration and delivery of possession. Pending suit his father passed away and they have been impleaded as plaintiffs. After amendment he filed his proof affidavit mentioning the plaint documents 1 to 11 which were filed at the time of filing the above suit to be marked as exhibits. On perusal of plaint document No.5 is the Water Sewerage Tax, Water Charges Card. In pursuant to the said assessment by the Chennai Metro Water Supply and Sewerage Board, the intimation as on 22.12.2006, demand notice as on 12.08.2015 were issued in his father's name. The said documents have been traced out recently. Besides this yet another thing was found that on 26.06.2012 his father lodged a complaint as against the 1st and 2nd defendants in writing along with postal receipt has also been found recently. The above said documents are necessary in the above suit and the same is being filed herewith. The failure to produce the above said documents at that time of presentation of the suit is neither willful nor wanton. But, due to the above said bonafide reason. In the said circumstances he filed the above application to receive documents.

3. The averments made in the counter of the Respondents 1, 2, 4 to 6/ Defendants 1, 2, 4 to 6 in short as follows:

The petitioners/plaintiffs filed the petition mentioned documents that is Document Nos.1 &2 are said to have been issued by the Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB), one being intimation slip for alleged default payment of Surcharge dated 22.12.2006 and one is Demand Notice for non-payment of Surcharge. These documents relate to bulk payment and there is no pleading of the plaint that the plaintiffs had made such payments and there is no

whisper about these documents and seeking leave of the court to produce at a later point of the suit, then these documents are prior to the suit.

The Document No.3 dated 26.12.2012, there is no whisper or pleading supporting the documents in the plaint and as such no documents could be received by this Court unless they are supported with necessary pleadings such as how the documents came into existence, the custody with whom it was till now and the reason why they were not produced at the time of filing of the plaint. Absence of such pleadings renders the documents to be inadmissible in evidence. The Doc.No.3, being a complaint allegedly made against the respondents, is stated to have been filed after institution of the suit and sent through post. However, there is no proof of acknowledgment or evidence to show that it was delivered to the concerned Police Station and infact no CSR is produced. Hence, the said document cannot be treated as admissible evidence. Hence they prayed to dismiss this petition.

4. The averments made in the counter of the 3rd Respondent/3rd Defendant in short as follows:

The three documents now sought to be received as additional documents were admittedly available with the petitioners/plaintiffs deliberately failed to produce the said documents along with the plaint. He specifically and categorically deny the contention that the said documents were traced or found only recently. The petitioners/plaintiffs have not assigned any valid, sufficient or convincing reason for the inordinate delay in producing the said documents. A bald statement that the documents were recently found, without any particulars whatsoever, cannot constitute a sufficient cause for receiving additional documents at the belated stage. It is further submitted that the Intimation Slip and Demand Notice issued by the Chennai Metropolitan Water Supply and Sewerage Board, which are sought to be marked as additional documents, do not confer title to the property nor can they be relied upon to establish ownership or proprietary rights. Furthermore, these

documents are not pertaining to the suit property. Therefore, in the absence of any satisfactory explanation for the delay and considering the nature of the documents sought to be produced, the present application is not maintainable and is liable to be dismissed.

The third document, namely the complaint along with the postal receipt/slip, is not supported by any pleading in the plaint. It is a settled principle of law that no evidence, whether oral or documentary, can be adduced in respect of facts for which there are no pleadings. In the absence of pleadings, the said document cannot be received in evidence. The petitioners/plaintiffs are attempting to fill up the lacunae in their case by introducing a new document which is completely outside the scope of the pleadings. Such an attempt is contrary to the settled principles of law and amounts to an abuse of the process of court. This Court is inclined to receive the additional documents, the same shall be subject to proof, admissibility, relevancy and competency. The petitioners/plaintiffs have failed to establish any sufficient cause for receiving the additional documents at this belated stage.

5. Point for determination:

Whether this petition is to be allowed or not?

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

7. Point for consideration:

Originally the suit was filed before the Hon'ble High Court of Madras, in C.S.No.406/2012. Subsequently, it was transferred to this Court on the enhancement of pecuniary jurisdiction and renumbered as O.S.No.5681/2019 with prayer of declaration to declare that the plaintiff is the absolute owner of the schedule mentioned property and consequently to direct the defendants 2 and 3 to handover vacant possession to the plaintiff and to direct the defendants 2 and 3 to pay damages. On perusal of notes paper it reveals that, already trial has been commenced and proof affidavit of PW1 filed and recorded and this case is posted

for marking of documents. At this stage, this petitioners/plaintiffs filed this petition to receive the petition mentioned documents.

8. The counsel for the petitioners/plaintiffs stated that, Pending suit the 1st plaintiff Sivaraman passed away and the legal heirs of plaintiff Sivaraman have been impleaded as plaintiffs 2 to 7. After amendment the 7th plaintiff filed his proof affidavit mentioning the plaint documents 1 to 11 which were filed at the time of filing the above suit to be marked as exhibits. On perusal of plaint document No.5 is the Water Sewerage Tax, Water Charges Card. In pursuant to the said assessment by the Chennai Metro Water Supply and Sewerage Board, the intimation as on 22.12.2006, demand notice as on 12.08.2015 were issued in his father's name. The said documents have been traced out recently. Besides this yet another thing was found that on 26.06.2012 his father lodged a complaint as against the 1st and 2nd defendants in writing along with postal receipt has also been found recently. The above said documents are necessary in the above suit and the same is being filed herewith. The failure to produce the above said documents at that time of presentation of the suit is neither willful nor wanton.

9. The counsel for the 2nd and 3rd Respondents objected that, the three documents that is, Intimation Slip, Demand Notice and complaint with postal slip are now sought to be received as additional documents were admittedly available with the petitioners/plaintiffs deliberately failed to produce the said documents along with the plaint. The petitioners/plaintiffs have not assigned any valid, sufficient or convincing reason for the inordinate delay in producing the said documents. In the absence of pleadings, the said document cannot be received in evidence. The petitioners/plaintiffs are attempting to fill up the lacunae in their case by introducing a new document which is completely outside the scope of the pleadings.

10. Heard both sides. Record perused. In this case already 7th plaintiff filed his proof affidavit and the same was recorded and the matter is posted for PW1 marking of documents. Originally, the 1st plaintiff Sivaraman filed the above suit to declare the plaintiff is the absolute owner of the suit property and direct the defendants 2 and 3 to handover the vacant possession to the plaintiff and for damages. During the pendency of the above suit, the 1st plaintiff Sivaraman died and his legal heirs have been impleaded as plaintiffs 2 to 7. Originally, the first plaintiff filed the plaint along with 11 documents produced. After the demise of the first plaintiff, some of the documents have been left out to produce and mark the same through PW1. Therefore, the petitioners filed this petition to receive petition mentioned documents, since those are necessary and vital documents to prove their case.

11. On the other hand, the Respondents /defendants vehemently objecting to mark these documents since, there is no pleadings of the plaint with regard to these documents and there is no whisper about these documents. Considering the reasons stated by the petitioner for filing petition mentioned documents is acceptable one. It is not the stage to decide whether these documents are relevant or irrelevant to be decided. Only after completion of the trial, it would be decided that whether these list of documents are relevant to the facts of this case. In the interest of justice, to give an opportunity to the petitioners to prove their case by way of filing these documents. There is no prejudice caused to the other side, if the petition would have been allowed. Hence, this court is inclined to allow this petition.

In the result, this petition is allowed subject to proof, relevancy

Directly dictated to the stenographer, computerized by her, corrected and pronounced by me in the open Court, this Wednesday the 8th day of July 2026.

IV Additional Judge,
City Civil Court, Chennai.

Draft / Fair : Order

I.A.No.16/2026

in

O.S.No.5681 of 2019

Dated: 08.07.2026

IV Additional

City Civil Court,

Chennai.