

IN THE COURT OF DISTRICT MUNSIF, VADIPATTI, MADURAI DT.**Present** : Thiru. M.P. Ramkishore, B.E., BL., (Hon's)

District Munisf, Vadipatti

Dated this the 25th day of March 2025**IA. No.693 / 2022****In****O.S. No.9 /2019**

1. P. Perumal (Died)
2. P. Parimala,
W/o. Perumal
3. S. Subbulakshmi,
D/o. Perumal
4. P. Banumathi,
D/o. Perumal
5. S. Mahitha,
D/o. Perumal
6. P. Ponkamalakannan,
D/o. Perumal

---- Petitioners / Plaintiffs**//Versus//**

1. T. Shantha,
W/o. Late. Thirumalasangam
2. V. Kubendran,
S/o. Venkidusamangam
3. State Government of Tamilnadu,
Rep. by the District Collector,
Madurai.

4. The Sub Registrar,
Vadipatti Sub Registration Office,
Vadipatti.
5. The Tahsildar,
Vadipatti Taluk Office,
Vadipatti.
6. Revenue Divisional Officer,
Divisional Office,
Madurai.

---- Respondents / Defendants

This petition was filed before this Court on 19.10.2022 coming before me for final hearing on 25.03.2025, Advocate Thiru. N. Rajaji appeared for Petitioners / Plaintiffs and Advocate Thiru. G. M. Ramani appeared for R1 and R2. Learned Government Pleader appeared for R3 to R6. Upon hearing the arguments advanced by both the sides' counsel and upon perusing the available material records, today this Court has delivered the following....

ORDER

1. This petition was filed under order 7 rule 14 of C.P.C. to file additional documents by the petitioner / plaintiff in the main suit.

2. **Petition averments in brief:**

The petition contention was that, the petitioner was the 6th plaintiff in the main suit. The suit was filed for declaration, mandatory injunction and permanent injunction. The petitioner contention was that the documents mentioned in the petition was not able to be filed by the 1st plaintiff at the time of filing of this suit. Since the documents were certified copies they were not able to obtain at the time of

filing this suit. The documents mentioned in the petition were necessary for the main case. Hence, the petitioners / plaintiffs filed this petition, seeking leave of this court to file additional documents.

3. Counter averments in brief: (Counter of R2 adopted by R1 & R3 to R6)

The respondents / defendants filed counter by denying the entire petition contentions and stated that the petition mentioned documents were irrelevant, dated after filing of this suit and they were not connected to the suit. The petitioner had not taken any step to file those additional documents for the past 6 years. The reason for delay in filing this documents should be explained with proof. This petition was only filed to delay the suit hence, this petition must be dismissed.

4. Point for determination : Whether this petition can be allowed?

i. Records perused. Admittedly the main suit was filed for declaration, mandatory and permanent injunction. The suit was pending for trial. The petitioner had filed this petition to receive additional documents on the plaintiffs side. The petitioner's contention was that the petition mentioned documents were necessary to decide the suit. On the other hand, the respondents challenged the petition stating that the petition mentioned documents were in no way connected to the suit and the documents were recent documents.

ii. The petitioner filed documents with this petition which are, 1) Preliminary decree in O.S. No. 526/1996, 2 & 3) Final decree in IA. No.15/1999 4) Commissioner Warrant in IA No.15/1999, 5 to 7) Sale deeds, 8) Legal notice, 9) Acknowledgment card, 10) Plaint in O.S. No.3/19 11) Legal notice, 12) Acknowledgment card, 13) Memorandum, 14) Plaint in O.S. No.132/221, 15) Patta No.215. The respondents did not file any documents on their side.

iii. This petition was filed under Order 7 rule 14(3) of C.P.C., it runs as follows,

“Order 7 rule 14(3). *Production of document on which plaintiff sues or relies.*

(1) Where a plaintiff sues upon a document or relies upon document in his possession or power in support of his claim, he shall enter such documents in a list, and shall produce it in court when the plaint is presented by him and shall, at the same time deliver the document and a copy thereof, to be filed with the plaint.

(2) Where any such document is not in the possession or power of the plaintiff, he shall, wherever possible, state in whose possession or power it is.

(3) A document which ought to be produced in court by the plaintiff when the plaint is presented, or to be entered in the list to be added or annexed to the plaint but is not produced or entered accordingly, shall not, without the leave of the court, be received in evidence on his behalf at the hearing of the suit.

(4) Nothing in this rule shall apply to document produced for the cross-examination of the plaintiff's witnesses, or, handed over to a witness merely to refresh his memory...

Thus according to the above provision the documents that were relied upon by the plaintiff shall be listed out and filed along with the plaint. If it was not in his possession then the plaintiff must disclose the possessor of the document. Further the document not filed with the plaint can only be filed with the leave of the court.

iv. In the case in hand from perusing the entire records the petitioners / plaintiffs had stated in his petition that the documents intended to be filed were necessary to decide the main suit. In this juncture this court relies upon the judgment of **our Hon'ble Supreme Court in Levaku Pedda Reddamma v. Gottumukkala Venkata Subbamma, dated 17.05.2022 as;**

“We find that the trial Court as well as the High Court have gravely erred in law in not permitting the defendants to produce documents, the relevance of which can be examined by the trial Court on the basis of the evidence to be led, but to deprive a party to

the suit not to file documents even if there is some delay will lead to denial of justice. It is well settled that rules of procedure are hand-maid of justice and, therefore, even if there is some delay, the trial Court should have imposed some costs rather than to decline the production of the documents itself. Consequently, the appeal is allowed. ”

In the light of the above mentioned dictum of our Hon’ble Supreme Court, it was clarified that the procedure is only hand - maid of justice and the relevancy of the document that were sought to be filed must be tested only in trial, hence the petitioner / plaintiff can be permitted to file additional documents even with delay by imposing cost.

v. By following the above cited dictum of our Hon’ble Apex Court in the case in hand, this court is of the view that inspite of the procedural lacuna on the part of the petitioners / plaintiffs, that the documents were not filed initially, in order to provide fair opportunity to the parties, this petition can be allowed to let in the documents on the petitioners / plaintiffs side to prove his case. Further the respondent had averred that the documents were not connected to the suit but the petitioner in his affidavit had mentioned that the petition mentioned documents were necessary to decide the case, hence there cannot be any procedural irregularity in allowing the petitioners / plaintiffs to file the documents as plaintiff side evidence. Hence as directed by the judgment of our Hon’ble Apex Court relied above, this court is inclined to allow this petition with cost.

5. ***In the result***, the petition is allowed, with cost of Rs.500/- to be paid to the respondents within 6 days from the date of this order.

Directly dictated to the Stenographer and computerized, error checked and pronounced in the open court on 25th day of March 2025.

District Munsif,
Vadipatti.

Petitioner side evidence and documents : Nil**Petitioner side documents :**

1.	Preliminary decree in O.S. No.526/1996
2.	Final decree IA. No.15/1999
3.	Final decree IA. No.15/1999
4.	Commissioner warrant in IA. No.15/1999
5.	Sale deed dated 10.12.2018
6.	Sale deed dated 17.06.2010
7.	Sale deed dated 13.08.2018
8.	Legal Notice dated 16.08.2018
9.	Acknowledgment Card
10.	Plaint in O.S. No.30/2019
11.	Legal notice dated 30.11.2021
12.	Acknowledgment Card
13.	Memorandum dated 10.01.2022
14.	Plaint in O.S. No.132/2021
15.	Patta no.2015

Respondents side evidence and documents: Nil

District Munsif,
Vadipatti.

Fair Order / ~~Draft Order~~

DISTRICT MUNSIF COURT
Vadipatti
Fair Order/~~Draft Order~~
IA. No.693/2022
In
O.S. No.09/2019
Date : 25.03.2025