

**IN THE COURT OF THE ADDITIONAL SUBORDINATE JUDGE,  
TIRUCHENGODE**

**Present: Mrs.G.Rubana, B.Sc., M.L.,**  
Additional Subordinate Judge, Tiruchengode.

On Thesday, this the 10<sup>th</sup> day of February 2026

**I.A.No. 07 of 2026**  
**in**  
**O.S.No: 120 of 2015**

Mrs.Chandra,

..... Petitioner/ Plaintiff.

//Vs//

1. M. Subramani (Died),
2. Mr. Palanisamy (Died),
3. Mr. Kulanthaivelu,
4. Mrs. Nallammal,
5. Mrs. Muthayee,
6. Mrs. Rasammal,
7. Mrs. Meenachi,
8. Mrs. Vasantha,
9. Mrs. Manju,
10. Mrs. Mallika,
11. Mrs. Selvi,

..... Respondents/ Defendants.

This petitions has been filed on 21.01.2026 and taken on file on 27.01.2026 and coming on 04.02.2026 for final hearing before me in the presence of Advocate Mr.S.Sivakumar, B.A., B.L., for the Petitioner / Plaintiff and the 1<sup>st</sup> and 2<sup>nd</sup> Respondents/ Defendants are died and Advocate Mr. P.Arulnathan, B.A., B.L., for the 3<sup>rd</sup> and 6<sup>th</sup> Respondents/Defendants and Advocate Mr. T.V.Manikkavelu, B.A., B.L., for the 4<sup>th</sup>, 5<sup>th</sup> to 7<sup>th</sup> Respondents/Defendants and the 11<sup>th</sup> and 12<sup>th</sup> respondents/defendants called absent set ex parte and having stood over for consideration till this day, upon perusing the connected material parts of records and hearing both side arguments, this court doth delivers the following:

## Order

These applications have been filed by the petitioner/plaintiff under Section 151 of the Code of Civil Procedure, 1908, seeking permission of this Court to reopen the petitioner / plaintiff side evidence to produce additional documents on her side.

### **2. The gist of the affidavit filed by the Petitioner /Plaintiff is as follows:-**

**2.1.** The petitioner is the plaintiff in the above suit, which was filed on 01.06.2015 seeking partition and other reliefs. During the pendency of the suit, the first defendant, Palaniswami, died on 29.09.2020, and his legal heirs, namely defendants 7 to 10, were duly impleaded as parties to the suit.

**2.2.** Subsequently, on 09.09.2021, the petitioner filed her chief-examination by way of proof affidavit. Thereafter, the other defendant, Subramanian, also died, and consequently, the legal heirs of both the deceased defendants were impleaded in the suit.

**2.3.** In view of the subsequent impleadment of the legal heirs and the changed circumstances, the petitioner is required to file an additional proof affidavit and to mark four additional documents on her side. It is further submitted that the petitioner was unable to obtain the certified copy of the grounds in Second Appeal No. 1606 of 2008 and has therefore produced the served copy of the same. Hence, the petitioner prays to reopen the case to produce the additional documents on her side.

### **3. The gist of the counter statement filed by the 6<sup>th</sup> Respondent / Defendant and adopted the 3<sup>rd</sup> Respondent / Defendant is as follows:-**

**3.1.** The respondent submits that the petition is false, frivolous, and not maintainable either in law or on facts. Save and except the averments expressly admitted herein, all other averments contained in the petition are denied and the petitioner is put to strict proof of the same.

**3.2.** The respondent further submits that defendants 1 to 3, had filed Second Appeal No. 1606 of 2008 against defendants 4 and 5. During the pendency of the said

second appeal, the appellants died, and since no steps were taken to implead the legal heirs of the deceased appellants, the second appeal came to be dismissed. Though subsequent petitions were filed and the second appeal is stated to be pending, the same does not entitle the petitioner herein to rely upon uncertified copies of the appeal papers.

**3.3.** In the present application, the petitioner seeks to mark only a photocopy of the grounds of appeal in Second Appeal No. 1606 of 2008. Since the grounds of appeal form part of court records, only a certified copy of the same is admissible in evidence, and a mere photocopy cannot be received or marked.

**3.4.** If this petition is allowed, the sixth respondent would be put to irreparable loss and serious prejudice. The reasons stated in the petition are neither valid nor acceptable. Hence, the respondent prays that this Hon'ble Court may be pleased to dismiss this petition with costs.

**4. Points for Determination :-**

Whether this Petition is to be allowed or not?

**5. Discussions and Findings:-**

**5.1.** Heard the learned counsel for the petitioner and perused the records.

**5.2.** The learned counsel for the petitioner submitted that during the pendency of the suit, the first and second defendants died and, consequently, the petitioner was required to take steps to implead the legal heirs of the deceased defendants. In view of the subsequent impleadment of the legal heirs, it has become just and necessary to reopen the petitioner side evidence, to produce additional documents in order to substantiate her case.

**5.3.** On the other hand, the learned counsel appearing for respondents 4,5, 7 to 9 has not filed any counter and made no counter endorsement.

**5.4.** The learned counsel for the sixth respondent submitted that the petitioner/plaintiff seeks to produce four additional documents. He stated that he has no objection to the reception and marking of the first three documents. However, with regard to the fourth document, namely the grounds of appeal filed by the first and second defendants along with another person in S.A.No: 1606 / 2008, the learned counsel submitted that the document produced is only a photocopy of the appeal grounds. Since the grounds of appeal form part of court records, only a certified copy is admissible in evidence. Hence, he objected to reopen the case for receiving the fourth document.

**5.5.** This Court has carefully considered the rival submissions and perused the materials available on record. It is well settled that while additional documents may be received if they are necessary for proper adjudication of the issues involved, the admissibility of such documents must strictly be in accordance with the provisions of the Indian Evidence Act.

**5.6.** Insofar as the first three documents are concerned, namely, the certified copy of the decree in O.S. No. 189 of 1992 and the certified copies of the judgment and decree in A.S. No. 115 of 2002, no objection has been raised by the respondents. This Court is satisfied that the said documents are relevant for the purpose of adjudicating the dispute. Hence, the petitioner is entitled to produce and mark the said documents.

**5.7.** With regard to the fourth document, namely, the grounds of appeal in Second Appeal No. 1606 of 2008, the document produced is only a photocopy. A mere photocopy of such a document cannot be received or marked in evidence without laying the foundation for secondary evidence. Therefore, the objection raised by the sixth respondent is sustainable. However, in the interest of justice, liberty is granted to the petitioner to produce the certified copy of the said document.

**5.8.** In the result, this application to reopen the petitioner / plaintiff side evidence is allowed as prayed for.

**6. Result:-**

Accordingly, these application is allowed. No costs.

Dictated by me to the Steno-Typist and has been typed in the computer directly, corrected and pronounced by me in the open Court on 10<sup>th</sup> day of February 2026.

Additional Subordinate Judge,  
Tiruchengode.

Petitioner and Respondent side oral and documentary evidence : Nil

Additional Subordinate Judge,  
Tiruchengode.

Fair/draft order  
IA.No. 07 of 2026  
OS.No. 120 of 2015  
Date : 10.02.2026