

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

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

On Thursday, this the 05<sup>th</sup> day of March 2026

**I.A.No:09 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 16.02.2026 and coming on 03.03.2026 for final hearing before me in the presence of Advocate Mr. R.Balaji, B.Com., L.L.B., 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>, 7<sup>th</sup> to 9<sup>th</sup> Respondents/Defendants and the 11<sup>th</sup> and 12<sup>th</sup> respondents/defendants called absent set exparte 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

This application has been filed by the petitioner/plaintiff under Order VII Rule 14(2) and 151 of the Code of Civil Procedure, 1908, seeking permission of this Court to receive 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 the relief of partition and other consequential 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 proceedings.

**2.2.** Thereafter, on 09.09.2021, the petitioner filed her chief-examination by way of proof affidavit. Subsequently, another defendant, namely Subramanian, also passed away, and the legal heirs of the deceased defendants were brought on record.

**2.3.** In view of the subsequent impleadment of legal heirs and the change in circumstances, the petitioner states that it has become necessary to file an additional proof affidavit and to mark certain additional documents on her side. It is further submitted that the petitioner seeks to produce the online certified copy of the order of the Hon'ble High Court of Madras in Second Appeal No.1606 of 2008 dated 16.02.2023. Therefore, the petitioner prays that this Court may be pleased to receive 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 respondents submit that except the averments specifically admitted herein, all other averments contained in the affidavit filed by the petitioner are denied as false and incorrect, and the petitioner is put to strict proof of the same.

**3.2.** The respondents further submit that Respondents 1 to 3 (who are defendants 1 to 3 in the suit), filed the Second Appeal No.1606 of 2008 before the

Hon'ble High Court of Madras as against the plaintiff and defendants 4 and 5. The said Second Appeal was dismissed on 16.02.2023 for failure to take steps to implead the legal heirs of the deceased party.

**3.3.** However, subsequently, by order dated 13.03.2025 in C.M.P. No.11586 of 2023, the said Second Appeal was restored to file and is presently pending before the Hon'ble High Court. The respondents contend that suppressing the fact of restoration of the Second Appeal, the petitioner has filed the present petition as though the Second Appeal stood finally dismissed, which amounts to suppression of material facts.

**3.4.** It is therefore contended that the present petition is not maintainable and is liable to be dismissed. The respondents have also produced the online copy of the order dated 16.02.2023. If the petition is allowed, the respondents would be put to irreparable loss and prejudice. Hence, the respondents pray for dismissal of the petition.

**4. Evidence :-**

No oral and documentary evidence has been adduced on petitioner side. On the side of respondents the learned petitioners counsel filed Order dated 13.03.2025 passed in C.M.P. No.11586 of 2023 in SA No.1606 of 2008 of the Hon'ble High Court of Madras and marked as Ex.R:1.

**5. Points for Determination :-**

Whether this Petition is to be allowed or not?

**6. Discussions and Findings:-**

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

**6.2.** 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 for the petitioner to produce additional documents in order to substantiate her case.

**6.3.** The learned counsel appearing for the second respondent submitted that though the Second Appeal in S.A. No.1606 of 2008 was earlier dismissed on 16.02.2023, the same has subsequently been restored to file by order dated 13.03.2025 passed in C.M.P. No.11586 of 2023 by the Hon'ble High Court of Madras. The certified copy of the said restoration order has been marked as Ex.R1 on the side of the respondents. It is therefore contended that the petitioner has suppressed the fact of restoration and has filed the present petition on the erroneous premise that the Second Appeal stood dismissed. On the above ground, the learned counsel prayed for dismissal of the present petition.

**6.4.** 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.

**6.5.** On further perusal of the records, it is seen that the petitioner/plaintiff had earlier filed a petition under Order VII Rule 14(2) read with Section 151 CPC in I.A. No.8 of 2026 on 21.01.2026 seeking to receive additional documents. The said petition was partly allowed by order dated 10.02.2026. When the matter was thereafter posted on 16.02.2026 for further marking of documents on the side of the plaintiff, the present petition has again been filed under Order VII Rule 14(2) read with Section 151 CPC seeking to receive further documents.

**6.6.** The suit is of the year 2015 and has been pending for more than a decade. It is also relevant to note that in the earlier petition, the plaintiff sought to produce,

among other documents, a photocopy of the grounds of appeal in S.A. No.1606 of 2008 before the Hon'ble High Court of Madras, and the same was partly disallowed.

**6.7.** Further, as per Ex.R1 marked on the side of the respondents, the said Second Appeal, which was dismissed on 16.02.2023, has subsequently been restored to file by order dated 13.03.2025 in C.M.P. No.11586 of 2023 and is presently pending. In such circumstances, the production of the earlier dismissal order, without reference to the restoration, does not materially advance the case of the plaintiff at this stage.

**6.8.** This Court finds that repeated petitions for reception of documents, particularly after partial adjudication of an earlier similar application, would unnecessarily prolong the proceedings. The plaintiff has not shown sufficient cause as to why the present document could not have been produced earlier along with the previous application and further the document seeking permission to produce is not necessary for the proper adjudication of the suit.

**6.9. Conclusion:-**

In view of the above, this Court is not inclined to allow the present petition. Accordingly, this petition is dismissed.

**7. Result:-**

Accordingly, this application is dismissed. 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 05<sup>th</sup> day of March 2026.

Sd/- G.Rubana,  
Additional Subordinate Judge,  
Tiruchengode.

1. Petitioner side oral and documentary evidence : Nil

2. Respondent side oral evidence: Nil

3. Respondent side documentary evidence :-

S.No.	Exhibits	Date	Description	Remarks
1.	Ex.R:1	13.03.2025	Order passed in C.M.P. No.11586 of 2023 in SA No.1606 of 2008 by the Hon'ble High Court of Madras	Xerox Copy

Sd/- G.Rubana,  
Additional Subordinate Judge,  
Tiruchengode.

//True Copy//

Fair/draft order  
IA.No. 09 of 2026,  
OS.No. 120 of 2015,  
Date : 05.03.2026.