

In the Court of the Principal District and Sessions Judge, Pudukkottai

Present : Tmt. G.Subathira Devi, M.L.,

Principal District Judge, Pudukkottai.

Friday, the 06th day of September, 2024

I.A.No.37/2022 in O.S.No.38/2018

Sudha

Represented through her
Power Agent Kannan.

... Petitioner/plaintiff

/Versus/

1. Anandakumar

2. Sekar

.... Respondents /defendants

This petition came up on 05.09.2024 for final hearing in the presence of Thiru. Pon. Gajendran, Advocate for the petitioner/plaintiff and of Thiru. S. Chockalingam, Advocate for respondents and upon hearing the both side arguments and on perusing the case records and having been stood over for consideration of this court till this day, this court delivered the following :-

Order

This petition under Order 7 Rule 14(2) of CPC praying to receive the petition mentioned documents as plaintiff side documents.

2. The averments of petition in brief are as follows:-

Petitioner is the husband of the plaintiff in the original suit. The petitioner knows the facts of the case. The plaintiff has filed the suit as against the defendants. Few documents were not available at the time filing the suit and now the petitioner got the following 24 documents namely

(1) Certified copy of Mortgage deed dated 26.08.2010 executed by the plaintiff in favour of 1st defendant,

(2) Certified copy of Power of Attorney Deed dated 26.08.2010 executed by the plaintiff in favour of the 2nd defendant.

- (3) Office copy of the legal notice dated 16.02.2018 issued by the plaintiff to the 1st defendant.
- (4) Served copy of the reply notice dated 02.03.2018 issued by the 1st defendant.
- (5) Original Purchase document dated 23.06.2012 sent by the AVC Company , Karur to the plaintiff's husband.
- (6) Original Purchase document dated 02.06.2012 sent by the AVC Company , Karur to the plaintiff's husband.
- (7) Original Purchase document dated 26.04.2012 sent by the AVC Company , Karur to the plaintiff's husband.
- (8) Original Purchase document dated 17.04.2012 sent by the AVC Company , Karur to the plaintiff's husband.
- (9) Original Purchase document dated 04.05.2012 sent by Karthick Nakul to the plaintiff's husband.
- (10) Original Bank challan dated 10.11.2010 regarding the interest paid by the plaintiff to the 2nd defendant.
- (11) Original Bank challan dated 31.12.2010 regarding the interest paid by the plaintiff to the 2nd defendant.
- (12) Original Bank challan dated 29.08.2011 regarding the interest paid by the plaintiff to the 2nd defendant.
- (13) Original Bank challan dated 16.04.2013 in the name of one Gayathri fabric regarding the interest paid by the plaintiff to the 2nd defendant.
- (14) Original Bank challan dated 31.03.2017 in the name of one Karthickeyan regarding the interest paid by the plaintiff to the 2nd defendant.
- (15) Original Bank challan dated 16.07.2016 in the name of one Karthickeyan regarding the interest paid by the plaintiff to the 2nd defendant.
- (16) Original School Answer sheet dated 17.01.2015 of plaintiff's son namely Balaji.
- (17) The downloaded copy of the sales and purchase tax receipts for the year 2017.
- (18) The downloaded copy of the sales and purchase tax receipts for the year 2018.
- (19) Copy of Purchase document dated 22.05.2015 sent by the Karur Alaka Exports to the plaintiff's husband.
- (20) Copy of Purchase document dated 17.12.2014 sent by the Chand Exports to the

plaintiff's husband.

(21) Copy of Purchase document dated 28.08.2014 sent by the Midway Home Textile , Karur to the plaintiff's husband.

(22) Copy of Purchase document dated 20.06.2012 sent by the Swastic Marketing Corporation to the AVC Textile.

(23) Original Bank challan dated 19.04.2017 amount paid by the plaintiff to the Karthickeyan.

(24) Punjab National Bank Pass book stood in the name of plaintiff's husband.

The above document are necessary for this suit. The petition mentioned properties are filed belatedly. Hence the petitioner is praying to receive the petition mentioned documents as plaintiff side documents.

3. Objection memo filed by the respondents No.1, 2, 6 in brief are as follows:-

This petition is not maintainable either in law or on facts. One Ramasamy's name is mentioned as power agent of the plaintiff in the original suit. But without any power deed the petitioner has filed this petition mentioning himself as power agent of the plaintiff. Documents filed by the petitioner are not necessary to this case. There is no explanation why the petitioner produced the documents in this suit. Hence prays to dismiss the petition.

4. Heard both sides. Perused the records.

5. Point for consideration:-

Whether the petition is allowed or not?

6. Point:-

The petitioner counsel submitted that this petition is filed to receive 24 documents which are original documents, certified documents , office copy of the documents, served copy of the documents. Hence there could be no prejudice for the respondent by marking these documents.

7. The respondents counsel submitted that most of the documents are not relevant to this case. The petitioner is seeking to mark the documents of another case in this case which are not relevant documents to this case.

8. Heard both sides.

9. The 24 documents ought to be received as Exhibits in this case are original documents, certified documents , office copy of the documents, served copy of the documents. The relevancy of the document in this case is to raised while marking those documents. With these findings, this court finds the petition is to be allowed.

10. In the result, this petition is allowed. No costs.

Directly dictated to the Steno-typist, and typed by her in Computer , corrected and pronounced by me open Court on this the 6th day of September, 2024.

Principal District Judge,
Pudukkottai.