

IN THE COURT OF III ADDITIONAL DISTRICT & SESSIONS JUDGE,
DHARAPURAM.

PRESENT: Thiru.C.M.SARAVANAN,B.A.,L.L.M.,

III Additional District & Sessions Judge, Dharapuram.

Wednesday, the 02nd day of July, 2025

I.A. No.2 of 2023 in O.S. No. 13 of 2018

1.Vasanthamani
2. M.Karthik
3.M.Madan Kumar

...Petitioners/Plaintiffs

Vs.

1.R.Thiruveragan
2.R.Thirumalai Kumar
3.Tahsildhar Kangayam
4.Sub registrar,Kangayam

...Respondents/Defendants

This petition is coming on for final hearing on 24.06.2025, before me in the presence of Shri.M.Parameswaramurthy, Advocate for the Petitioners/Plaintiffs and Shri.P.Ramasami, Advocate for the 1st and 2nd Respondents/Defendants 1 and 2 and Shri.K.M.Manivannan, Additional Government pleader for the 3rd and 4th Respondents/3rd and 4th Defendants, and upon hearing both sides and perusing the records and the Petition having stood over for my consideration till this day, this court delivered the following

ORDER

By this Petition, I shall deal with an application under Order VII Rules 14 of CPC for grant leave to file the enclosed petition mentioned documents and pass such other and suitable orders.

2. The crux of the petition is as follows:-

The petitioner herein and 2nd plaintiff in the suit. The petitioner well acquainted with the facts of the case. The petitioner state that they are the absolute owners of this who property ever since the date of purchase we are in possession and enjoyment in the property till date. The 2nd petitioners father Mr.Manohar had approached the 1st defendant for some financial help and he borrowed Rs.3,00,000/- on 12.09.2013. As security for the loan amount they have executed loan documents and a general power of attorney. Subsequently that on 22.07.2016 the 2nd defendant had executed sale deed in favour of the 1st defendant for a throw away price. The defendants 1 and 2 fabricated the signature and got an in the life certificate from one Dr.Periyasamy at Coimbatore. On the day the 2nd petitioners mother Vasanthamani was admitted in Dr.Balasundarraaj a private hospital at Kangayam. There after the defendants have mutata revenue records in the 3rd defendants office. Against which we have preferred an appeal before the Sub collector, Dharapuram. After hearing the both side the Sub collector had cancelled the name transfer affected to the suit property. The petitioners have produced in the medical certificate of mother and also the orders passed by the Sub Collector, Dharapuram. We are unable to produce the documents at the time of filing the suit. Unless the day is condoned and we are permitted to produce the document on our side evidence we will be put too much loss and hardships. It is therefore, this court may be pleased to condone the delay in producing the documents more fully mentioned in the application and pass such further suitable orders and thus render justice.

3. The brevity of the Counter is as follows:

The petition is false, frivolous and vexatious and it is not maintainable either in law or on the facts of the case. Except the facts those that are expressly admitted herein all other allegations and averment are denied as false and puts the petitioner to strict proof of the same. The documents referring the medical treatment of the 1st plaintiff dated 20.07.2016 and 24.07.2016 are forged documents. Those documents manipulated by the petitioners, after two years of the filing of the suit. Moreover, the documents which are proposed to file are xerox copies which cannot be marked as an evidence. The respondent is preferring an appeal against the order passed by the Sub Collector. Since the documents are forged by the petitioners. Hence this petition is liable to be dismissed with cost.

4. The Point for consideration is:

Whether the petition is liable to be allowed or not thereby the plaint is liable to be rejected or not.

5. Heard both sides. The learned counsel appearing for the petitioner in this case would contend that, the petitioner is the 2nd plaintiff and the plaintiffs are the absolute owners of the suit property, from the date of purchase. On 12.09.2013, the parents of the petitioners approached the 1st defendant and borrowed a sum of Rs.3,00,000/- and executed loan documents and power of attorney. Subsequently on 22.07.2016, the 2nd defendant had executed a sale deed in favour of the 1st defendant for a meager amount. The defendants 1 and 2 fabricated his signature and

got a life certificate from one Dr.Periyasami at Coimbatore. On the very same day the mother of the petitioner namely Vasanthamani was admitted in a private hospital run by Dr.Balasundararaj, at Kangayam. Thereafter, the defendants have mutated revenue records in the name of 3rd defendant. Against, the said order the petitioner preferred an appeal before the Sub Collector, Dharapuram, and the name transferred was cancelled by the Sub Collector, Dharapuram. The petitioners were not able to produce those documents at the time of filing of the suit. Hence, the learned counsel prays to condone the delay in filing the documents and to pass suitable orders.

6. Per contra, the learned counsel appearing for the respondents in this case would contend that, the documents refers the medical treatment of the 1st plaintiff dated 20.07.2016 and 24.07.2016 are forged documents. Those documents manipulated by the petitioners, after two years of the filing of the suit. Moreover, the documents which are proposed to file are xerox copies which cannot be marked as an evidence. The respondent is preferring an appeal against the order passed by the Sub Collector. Since the documents are forged by the petitioners, the petition is to be dismissed with cost.

7. Considering the facts and circumstances of the case, the case of the petitioner is that, a power of attorney had been executed as a security for the loan availed by his parent on 12.09.2013, and based on the General Power of Attorney, the 2nd defendant had executed a sale dated on 22.07.2016 in favour of the 1st defendant for a meager amount. It is further would contend that, the defendants 1 and 2 fabricated his signature and got the life certificate of the 1st plaintiff from one Dr.Periyasamy at Coimbatore. In fact on the said day, the 1st plaintiff was admitted in a private hospital owned by the Dr. Balasundararaj. Even though, the defendant would contend that, the plaintiff failed to state about those documents in the plaint at the time of filing the suit, it is pleaded by the plaintiff in the 8th para of the plaint, that the life certificate was fabricated, and the 1st plaintiff was admitted as inpatient in a private hospital at Kangayam. Therefore, even though the document is not filed along with the plaint, there is a pleading. Therefore, this court is in a view that, in order to prove the pleading in the plaint, the petitioner shall be permitted to adduce evidence. Moreover, the petitioner filed the medical certificate issued by one Balasundararaj and also the clinical report. He also filed the proceedings of the Sub Collector, Dharapuram dated 02.01.2021. Those documents are original in nature. Therefore, this court is in a view that, the original documents which are filed by the

petitioner along with the petition shall be permitted to be produce as evidence.

Finally, this petition is allowed. No order as to cost.

Dictated to Steno-Typist, taken down by her in short-hand, transcribed and computerized by her and corrected by me in computer and pronounced by me in the Open Court on this the 02nd day of July, 2025.

III Additional District & Sessions Judge,
Dharapuram.

Petitioner's side witnesses and documents : Nil

Respondent's side witnesses and documents: Nil

III Additional District & Sessions Judge,
Dharapuram.

Order IN
IA.No.2/2023 IN
OS.No.13/2018
Date:02.07.2025