

**IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,
TIRUNELVELI**

**PRESENT: THIRU.M.SAISARAVANAN, M.L.,
PRINCIPAL DISTRICT JUDGE
TIRUNELVELI.**

Dated this the 10th day of November 2025

I.A. No.11/2025 in O.S.No.78/2020

M/s.Seyadu Beedi Company
Registration No.26/1955
through its Shareholder N.Seyadu Abdul Karim
represented through his General Power of Attorney
S.Perumal ... Petitioner/Plaintiff.

/Vs./

Jeyachandra Pandiyan
Proprietor
Kutti Beedi Company ...Respondent/Defendant.

The petition is coming up for final hearing on 01.11.2025 in the presence of Thiru.A.Mohamed Hussain, learned counsel for the petitioner and of Thiru.M.Krishnan, learned counsel for the Respondent and upon hearing the arguments of both side and on perusing the entire records and having stood over for consideration till this day, this court delivers the following. .

ORDER

This petition is filed Under Order 7 Rule 14 (2) and Section 151 of CPC to receive the petition mentioned documents for marking the same on the side of plaintiff.

2. BRIEF AVERMENTS OF PETITION IS AS FOLLOWS:-

The petitioner is the plaintiff in the suit. The suit is filed for the relief of permanenet injunction as prayed in the plaint. The above suit is posted for further evidence of the plaintiff side and the examination of PW2 is in progress. The respondent/defendant has been manufacturing the Kutti beedi through his Jeyanthi beedi company by using the deceptively similar wrappers and lables of the petitioner Seyadu beedi company and thereby causing huge loss to the petitioner. The petitioner could not file the Kutti beedi bundle, bundle wrapper, Kutti beedi pack and Seyadu beedi pack at the time of filing of the suit. Those documents are very essential documents to prove the case of the plaintiff. Therefore those documents are annexed with the petition and those documents are to be received on the side of the plaintiff for marking the same. If the petition is allowed, no serious prejudice would be caused to the respondent otherwise petitioner will be put into loss and hardship. Hence the above petition.

3. BRIEF AVERMENTS OF COUNTER IS AS FOLLOWS

This petition is not maintainable either in law or on facts and liable to be dismissed. The respondent deny each and everyone of the allegations except those that are specifically admitted by him and put the petitioner to strict proof of rest of the averments. The petitioner cannot make a new averment contrary to his own pleadings in the plaint. The petitioner cannot develop a new case during the trial of the suit and the same cannot be accepted. Already the exhibits marked as Ex.A.7 to Ex.A9 on the side of the plaintiff were filed along with the suit and they were also marked through PW1 and PW1 was also cross examined by this respondent/defendant. When nothing was pleaded or averred about the documents now sought to be introduced by the petitioner, the contention that the documents could not be filed along with plaint cannot be accepted. The documents sought to be introduced now by the plaintiff are no way related to his case. The documents which were not pleaded in the plaint cannot be surprisingly introduced during the trial. Nothing was stated in the cause of action about the documents filed along with the petition. If the documents are received, it would prejudice to the case of defendant and it would also compel this defendant to set up a new defence. Therefore the petition is not maintainable and the same is liable to be dismissed.

4. POINT FOR CONSIDERATION:-

Whether the petition has to be allowed or not?

5. POINT:-

This petition is filed to receive additional documents to mark the same through PW2 as exhibits on plaintiff side. The documents sought to be received by the petitioner are i) Kutti beedi bundle, ii) Kutti beedi bundle wrapper and iii) Seyadu beedi and Kutti beedi packs. The petitioner is the plaintiff in the suit and the suit has been filed by the petitioner/plaintiff for permanent injunction restraining the respondent/defendant in using the deceptive similarity in a wrappers and the labels of Seyadu beedi. After commencement of trial, so far only one witness was examined on plaintiff side as PW1 and after filing the proof affidavit of the 2nd witness as PW2, the petitioner/plaintiff has come forward with the present petition to receive additional documents. The contention of the petitioner is that the respondent/defendant has been manufacturing beedis and using the deceptively similar label of the plaintiff Seyadu beedi company. It is further contended that, the defendant has been selling the beedi in the name of Kutti beedi by manufacturing the same in the name of Jeyanthi beedi company and thereby causing loss to the petitioner/plaintiff company. It is further stated that as the petitioner has

failed to produce the wrapper and lable of the Kutti beedi bundle at the time of filing of the suit, now he want to file those documents as additional documents. The respondent filed the counter denying the allegation in the petition stating that, already the petitioner has marked the Kutti beedi bundle, Seyadu beedi bundle, Kutti beedi pack, Seyadu beedi pack and the lables as exhibits on the plaintiff side and PW1 was elaborately cross examined on those aspects and as such the documents now produced by the plaintiff cannot be received as there is no relevant pleadings in the plaint and prays for dismissal of petition.

6. The petitioner/plaintiff has already marked a beedi bundle with a printing thereon as “Kutti beedi”, a lable with inscription as “Kutti beedi” and a beedi pack with a lable with a printing as “Kutti beedi” as Ex.A.7 to Ex.A.9. The Ex.A.7 to Ex.A9 have been marked by the plaintiff to prove that those lable and wrappers are deceptively similar to the lable and wrappers of Seyadu beedi. Now, by way of the present petition, again the plaintiff want to mark the same bundle of Kutti beedi, wrapper of Kutti beedi bundle and the pack of Seyadu beedi and Kutti beedi. If the reason behind the plaintiff want to mark those documents which are already marked on the side of the plaintiff is analyzed, in the documents already marked as Ex.A.7 to Ex.A9 the manufacturer name is printed as “Kutti

beedi company”, whereas, in the documents now sought to be introduced by the petitioner, the manufacturer name is mentioned as “Jeyanthi beedi company”. It is not the case of the plaintiff, as per the averment in the plaint, that the beedi in the name of the Kutti beedi was manufactured by Jeyanthi beedi company. However during the cross examination of PW1, it was admitted by PW1 that the Ex.A.7 to Ex.A.9 are not related to Jeyanthi beedi company. Therefore, it seems that, the plaintiff, in order to prove, that a beedi in the name of Kutti beedi was manufactured by the Jeyanthi beedi company, has filed this petition and want to mark the documents sought to be introduced by them now. The defendant has admitted in his written statement that he is doing business of manufacturing and selling beedis in the name and style of Kutti beedi and he stated that GSTIN for the Jeyanthi beedi company is 33AULPJ2312B1ZC which means the defendant is impliedly admitting that he has been doing the business of manufacturing beedi in the name of Kutti beedis but the company name is “Jeyanthi beedi company”. The definite case of the plaintiff as per the averment in the plaint is that, the manufacturing of Kutti beedi is only by Kutti beedi company and nowhere in the plaint it is stated that Kutti beedi is being manufactured by Jeyanthi beedi company. The term “Jeyanthi beedi company” is newly introduced by the plaintiff only in the present petition

which is after the cross examination of PW1 wherein PW1 admitted that Ex.A.7 to Ex.A9 has no way related to Jeyanthi Beedi company. Therefore if these documents are received now, it would definitely amounts to filling up the lacuna in the case of the plaintiff. When it is not the case of the plaintiff that, Kutti beedi was manufactured by Jeyanthi beedi company and it is not at all averred in the plaint, during the part heard stage of the case that too after cross examination of PW1, the plaintiff cannot be permitted to introduce a new case altogether by way of producing additional document. Considering all these facts, this petition is , nothing but an attempt to fill up the lacuna in the case of the plaintiff which cannot be permitted as it would seriously prejudiced the case of defendants and as such I am not inclined to allow this petition and this point is answered accordingly.

In the result, this petition is dismissed. No costs.

Dictated by me to the stenographer for typed dication and typed by her in computer and corrected and pronounced by me, in the open court, on this the 10th day of November 2025.

**Principal District Judge,
Tirunelveli.**

Witness examined and exhibits marked on both sides : - Nil

**Principal District Judge,
Tirunelveli.**

Principal District Court,
Tirunelveli

I.A. No.11/2025 in O.S.No.78/2020

Draft / Fair Order,

Dated : 10.11.2025