

**IN THE COURT OF THE SUBORDINATE JUDGE AT ARNI,
TIRUVANNAMALAI DISTRICT**

**Present : Tmt. A.Daoudh Ammal, B.A., M.L.,
Subordinate Judge, Arni**

Thursday, the 13th day of March, 2025

I.A.No.01/2024 in OS.No.347/2021

P.Bose

... Petitioner/Plaintiff

-Vs-

1. Renuga
2. Srikanth
3. Pachaiyammal @ Pallavi
4. Selvi @ Vetriselvi
5. Revathi @ Rajini
6. Sivasankari
7. Parasakthi

... Respondents/Defendants

This Petition coming before me for final hearing on 13.02.2025 in the presence of Tr.K.Chandrasekaran, Advocate for the Petitioner/Plaintiff and Tr.S.Karthi, Advocate for the 1st to 3rd Respondents/Defendants, thereafter the 1st to 3rd Respondents called absent and set exparte on 13.10.2022 and Tr.S.Elumalai, Advocate for the 4th to 7th Respondents/4th to 7th Defendants and after perusing the relevant records of this case, and having stood over for consideration, till this day, this court delivered the following

ORDER

Petition filed under Order 7 Rule 14(3) and Section 151 of CPC to receive Additional documents filed on the side of the Petitioner/Plaintiff and for other orders.

Subordinate Judge, Arni.

2. Petition Averments:

The Petitioner is the Plaintiff in the suit filed against the Respondents for Partition. The Petitioner is entitled to 1/3 share in the 6th item of the suit schedule properties. The Plaintiff was unable to file certain documents at the time of filing of the suit and those documents have been traced out only now by the Petitioner and hence this said documents have to be filed through PW1. The said Petition mentioned documents are very much necessary and essential to prove the case of the Petitioner. Hence the Petition.

3. Counter Averments of 4th to 7th Respondents:

This Petition to receive the documents filed by the Petitioner is false, frivolous and not sustainable in law or on facts. The Petitioner is put to strict proof of all the allegations to show as to how the said documents are connected to the suit. The Petitioner has stated that the Computer Chitta for Patta No.670 have to be filed but whereas the document filed is Patta Pass Book. In the Patta Pass Book itself, it is clearly stated that the suit property is the ancestral property and not the individual property of the Petitioner. On the death of Petitioner's father Pachiyappa Mudaliyar, the Revenue Records have been issued in the name of the Petitioner, only as the eldest family member. The Petitioner and the Respondents have executed a Khor chit dated 27.09.1993 in the presence of the witnesses in respect of the property mentioned in the document. Thereafter in the year 2005, separate Patta have been issue in the name of the Petitioner. This Petition to receive the said document is not at all maintainable in law. The Petitioner has not stated any satisfactory reason to receive the said document. Hence this Petition has to be dismissed with costs.

4. Point for consideration:

1. Whether this Petition filed under Order 7 Rule 14(3) and Section 151 of

CPC to receive Additional documents filed on the side of the Petitioner/Plaintiff is to be allowed or not?

2. To what other relief, the Petitioner is entitled?

5. Points No.1 and 2:

Heard. Records perused. The Petitioner is the Plaintiff in the suit filed against the Respondents for Partition. The Petitioner is entitled to 1/3 share in the 6th item of the suit schedule properties. The Plaintiff was unable to file certain documents at the time of filing of the suit and those documents have been traced out only now by the Petitioner and hence this said documents have to be filed through PW1. The said Petition mentioned documents are very much necessary and essential to prove the case of the Petitioner. Hence the Petition. The Respondent has contended that the Petitioner has stated that the Computer Chitta for Patta No.670 have to be filed but whereas the document filed is Patta Pass Book. In the Patta Pass Book itself, it is clearly stated that the suit property is the ancestral property and not the individual property of the Petitioner. On the death of Petitioner's father Pachiyappa Mudaliyar, the Revenue Records have been issued in the name of the Petitioner, only as the eldest family member. The Petitioner and the Respondents have executed a Khor chit dated 27.09.1993 in the presence of the witnesses in respect of the property mentioned in the document. Thereafter in the year 2005, separate Patta have been issue in the name of the Petitioner. This Petition to receive the said document is not at all maintainable in law. The Petitioner has not stated any satisfactory reason to receive the said document. Hence this Petition has to be dismissed with costs.

6. But whereas it is pertinent to note that this Petition has been filed only to receive the Petition mentioned documents and the Proof, relevancy, reliability and admissibility of those documents need not be considered at this premature stage and it

has to be decided only at the time of marking of documents and at the final stage of the Petition. Thus this court considers that no prejudice would be caused to the Respondent in mere receiving the Petition mentioned documents in the Petition. Hence this court is inclined to allow this Petition to receive the Petition mentioned documents on the side of Petitioner, subject to proof, relevancy, reliability and admissibility of the documents, in the interest of justice.

7. In the result, this Petition stands Allowed. The documents filed on behalf of the Petitioner/Plaintiff shall be received subject to proof, relevancy, reliability and admissibility of the documents.

Dictated by me to the Steno typist and typed by her directly, corrected and pronounced by me in open court, this the 13th day of March, 2025.

Subordinate Judge,
Arni.

Petitioner side witnessess and exhibits: Nil

Respondents side witnessess and exhibits: Nil

Subordinate Judge,
Arni.

Subordinate Judge, Arni.