

IN THE COURT OF SUBORDINATE JUDGE AT VANDAVASI

Present:Tmt.S.Sharanyaa, M.L.,

Subordinate Judge, Vandavasi.

Friday the 29th day of January 2026

IA.No.03/2025 in O.S.No.224/2023

G. Sambanthamoorthy

.... Petitioner/Plaintiff

//Vs//

1.G. Panneerselvam

2. A. Vijaya

3. T. Rajasekar

4. T. Mani

5. T. Radhakrishnan

....Respondents/Defendants

This petition coming up on 21.01.2026 for final hearing before me in the presence of Tr. A.Sakthivel, Advocate for the Petitioner/Plaintiff and Tr.M.Ranaprathap, Advocate for the Respondents/Defendants and upon hearing both sides and perused the records and documents and having stood over till this date for consideration, this Court delivered the following;

ORDER

This petition has been filed under Order VII Rule 14(3) r/w Sec.151 of the Code of Civil Procedure to grant leave and receive the petition mentioned documents.

2.) Brief averments of the petitioner/ plaintiff are as follows:

(2.1) The petitioner has stated that, he had filed the above suit against the Respondents/Defendants for Declaration and Permanent Injunction etc. The petitioner stated that, at the time of filing of the above suit, he could not file some of the documents, since the documents were not available at that time and only recently he had received the same. Hence, he has come forward with this petition to grant leave

to file the petition mentioned documents during evidence as additional documents on the petitioner's side.

3.) Brief averments of the respondents/defendants are as follows:

The respondents have denied the averments of the petitioner. The alleged Will is not relevant to this case, since both Schedule Properties mentioned in the plaint and Will are different. Further, the parties in the Will are also not related to this suit. Thus the same cannot be received in evidence and also it cannot be marked as evidence by the plaintiff. Further, the Medical receipts are nothing but created one. The petitioner is put to strict proof of his possession and title based on these alleged documents is only misleading. Hence, this petition is liable to be dismissed.

4.) Now the point for consideration is:

Whether this petition has to be allowed or not?

This petition has been filed under Order VII Rule 14(3) r/w Sec.151 of the Code of Civil Procedure to receive the petition mentioned documents. The petitioner/plaintiff has stated that, he has filed this suit for declaration and permanent injunction against the respondents/defendants herein. The petitioner has stated that, the petition mentioned documents were not available with him during the filing of the suit. Hence, he has come forward with this petition seeking leave to file the petition mentioned documents.

05.) On the other hand the respondents have denied the averments of the petitioner and have also stated that the Schedule Properties mentioned in the plaint and Will are different. Further, the parties in the Will are also not related to this suit. Thus the same cannot be received in evidence and also it cannot be marked as evidence by the plaintiff. Further, the Medical receipts are nothing but created one. Further there is no valid reason to file this petition and hence this petition is liable to be dismissed.

06.) Even though the respondents have opposed this petition, the petition mentioned documents includes the Will dated 11.04.2012, and Medical Bills. The validity, veracity and relevancy of the petition mentioned documents can be decided only during the course of the trial. At this stage, in order to provide an opportunity to the petitioner to put forward his side documents and to establish his case before this court, this court is inclined to allow this petition.

Further the Hon'ble High Court of Madras has also held in the case of

S.Rathinaswamy S/o Sivasubramania

/Vs/

S. Bhanumathi, W/o Selvaraj and Ors.

wherein it has been mentioned that,

“After the C.P.C (Amendment) Act, 2002, Order 7 Rule 14(3), C.P.C reads:

A document which ought to be produced in Court by the Plaintiff when the plaint is presented, or to be entered in the list to be added or amended to the Plaint but is not produced or entered accordingly, shall not, without the leave of the Court, be received in evidence on his behalf or the hearing of the Suit.”

Further, it has also been stated that, *“the main object of Order 7 Rule 14(3) C.P.C., conferring the power upon the court to receive the documents in genuine cases is to receive the documents if good cause is shown to the satisfaction of the Court for the non-production of the documents at the earlier stage. The Courts are expected to receive the documents and give an opportunity to the parties. The Revenue Records like Village Plan and Survey Numbers which were not within the knowledge of the Plaintiffs and whose authenticity cannot be doubted are to be received and the court may grant permission to receive those documents.”*

In view of the Law laid down in the above precedent also, an opportunity must be provided to the petitioner to produce his side documents before this court. Hence, this court is inclined to allow this petition.

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

This order is dictated to the steno-typist, typed by her, corrected and pronounced by me on 29th day of January 2026.

Subordinate Judge,
Vandavasi.

Petitioner side Witnesses and Exhibits: Nil.

Respondents' side Witnesses and Exhibits: Nil.

Subordinate Judge,
Vandavasi.