

IN THE COURT OF SUBORDINATE JUDGE : LALGUDI

**Present : Tmt.R.Mohana, B.L.,
Subordinate Court, Lalgudi**

Dated Wednesday, the 05th day of November 2025

I.A No.9/ 2025 in OS.No.725/2018

(CNR.No.TNTP180019222018)

1.Selvakumari

2. A.Prabavathi

.....Petitioners/Plaintiffs

-Vs -

1. Parvathi

2. Rajendran

3. Nallaponnu

4. Chandra

5. Panaiyadiyan

....Respondents/Defendants

This petition came up before this court for final hearing on 25.09.2025 in the presence of the Learned Counsels Thiru.L.Rengarajan - advocate for the petitioners and Thiru.K.Jayaraman -Advocate for the R1 to R5 and heard both side and upon perusing the case records and having stood over for consideration before this court till this day, today this court hereby delivers the following. . .

ORDER

The Petitioner/2nd plaintiff has filed this Petition Under Order 8 Rule 1A (3) & r/w sec 151 CPC, to grant leave petitioners to file the documents described in the accompanying application, receive them in evidence

2. Gist of petition -

The Petitioner is the 2nd Plaintiff in the suit. She knows the facts of the case. The Petitioners have filed the above said suit for the relief of permanent injunction and for other reliefs. The Petitioner was examined as Pw1 and through her, the documents Ex.A1 to A4 were marked. and thereafter, she came to know that, due inadvertence, the parent documents of suit property are necessary and they were not marked. Suddenly, she applied for the certified copies. The original documents are not with the Petitioners. The Petitioners got the certified copies of parent documents of suit property in the may month end. In order to prove the case of the Petitioner, the parent documents of suit property are vital and to be receive and to be marked on her side. Therefore, in order to mark the above said those documents, the Petitioner has to be recalled for further chief examination to mark those documents on her side. At the time of filing of suit, she was unable to file those documents. The non - filing of the petition mentioned documents at the time of filing of suit is neither willful nor wanton . Therefore the leave has to be granted to the Petitioners to file the documents described in the accompanying application and be received in evidence in the above suit. And the Petitioners are having good case on merits. Else, the Petitioners will suffer a huge loss and hard shop. Hence this application.

3. Gist of Counter objection filed by the respondents -

All the allegation contained in the affidavit filed in support of the application, except those that are specifically admitted herein are all denied as false and incorrect and the petitioners/ defendants are put to strict proof of the allegations made in the same. The application to reopen the plaintiffs side for further evidence is not maintainable in law and on facts. The documents filed are irrelevant, unimportant and not relevant to the fact of the case. The petitioners/Plaintiffs have not reserved their right to file any such documents later. It is not bonafide reasons are given for not production of documents earlier. The documents cannot be marked. The documents are inadmissible in evidence. The petitioners/ plaintiffs are not entitled to the relief as prayed for.

4. Points for consideration -

1. Whether the Petitioners are entitled to get the relief of this Petition as prayed for ?

5. Both side heard. Perused the case in the lights of the available documents. No documents marked and no evidence let in on either side.

6. The Learned Counsel for the Petitioners argued that this is suit for permanent injunction filed by the Petitioners/Plaintiffs and the 2nd Petitioner who was examined as PW1 and after closing the evidence of the Plaintiff, it is came to the knowledge of the Plaintiffs that some of the vital documents relating to the parental documents of the suit property to be filed for proving the case of the Plaintiffs and the delay in producing those documents may be condoned and if this documents are not permitted to mark on

the side of the Plaintiffs, they will put to irreparable loss and hardship than the respondents and hence the documents may be received by condoning the delay and the evidence of the Plaintiffs may be reopened by permitting to recall the Pw1 for enabling to mark those documents and this Petition may be allowed.

7. The Learned Counsel for the respondents argued that the documents are not inadmissible since there is no such right to produce the same is reserved either in the Plaint or in their evidence and there is no merits in this application and those documents are not relevant to this case and after closing both side evidences, the Plaintiffs have preferred this Petitions only to prolong the main case during the case which is in the stage of Arguments and it is not at all necessary to reopen the Plaintiff side evidence along with recalling of Pw1 and hence this Petition is deserved to be dismissed with cost.

8. Both side heard. Case records perused. This is suit for Permanent injunction filed by the Plaintiffs by claiming right over the suit properties. The defendants have raised their rival claim of title over the suit properties. Hence, it is necessary to prove the title of the Plaintiffs by producing the relevant documents.

9. It is pleaded in this Petition that the documents appended along with this applications are all certified copies of the registered sale deeds and power of attorney and Gift deed and it is further pleaded that all the above said documents are parental

documents for the suit property. Considering both side pleadings, this Court is of the opinion that the Plaintiffs who have filed the suit, have to prove their case by through oral and documentary evidence.

10. The suit is pending for more than 10 years and this case is identified under the category of target cases. The suit is in the stage of arguments. Now the Petitioners have filed this Petition in belated stage. But, this Court is of the view that in order to arrive just and final conclusion on merits, the opportunity may be given to the Petitioners to prove their case.

11. Further this Court is of the view that all the documents are certified copies and the truth of this documents can be explained by cross examining the PW1 and hence there is no prejudice would cause to the respondents by allowing this applications. Considering the long pendency of the case and stage of the case, this Court is of the opinion that this Petition can be allowed only on condition to let in evidence only on the day fixed by this Court, if any deviation, this Petition will stand dismissed.

In the result, this Petition is allowed on condition. The documents may be received subject to proof and relevancy only on condition that the Petitioner Pw1 has to let in evidence on 10.11.2025 if any deviation this Petition will stand dismissed. No cost. Call on 10.11.2025.

Dictated to typist, typed by her directly in computer, corrected and pronounced by me in open court on this the **05th** day of **November 2025**.

SUB JUDGE
LALGUDI.

List of Documents

Petitioner side witness and document - Nil

Respondents side witness and document - Nil

SUB JUDGE
LALGUDI.

Sub Court, Lalgudi

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Fair/ Draft Orders

Dated – 05.11.2025