

IN THE COURT OF PRINCIPAL DISTRICT JUDGE AT TIRUVALLUR
PRESENT: Tmt. J. JULIET PUSHPA, B.Sc., M.L.,
Principal District Judge, Tiruvallur

Thursday, the 20th day of November, 2025

I.A.5/2025 in Original Suit No.113/2012
(CNR No. TNTR010001962012)

1. S. Anbuselvi
2. Yuvarajan
3. Rekha

....Petitioner/ defendants 2, 4 and 5
/Vs/

K. Moorthy

... Respondent/plaintiff

This petition coming on 14.11.2025 before me for final hearing in the presence of M/s S. Surendran, K. Sathyakumar, learned counsel for the Petitioners and M/s S. Muthukumaravel, learned counsel for the Respondent/plaintiff and upon perusing the records and having stood over for consideration till this date, this Court delivered the following:-

ORDER

This Petition is filed by the petitioners/ defendants 2 , 4 and 5 under order VIII Rule 1A (3) of Civil Procedure Code to receive the additional documents and to mark the same as Ex.B6 to Ex.B19 on the side of defendants

S.No.	Exhibit	Date	Description
1	Ex.B6	23.07.1988	Certified copy of the sale deed executed by A.N. Govindaraji Mudaliar to and in favour of Indirani, mother of the 3 rd defendant (late. J. Sankar)

2	Ex.B7	23.07.1988	Certified copy of the sale deed executed by A.N. Govindaraji Mudaliar to and in favour of Indirani, mother of the 3 rd defendant (J. Sankar)
3	Ex.B8	23.02.2004	Certified copy of the sale deed executed by plaintiff, the 1 st and 2 nd defendants to and in favour of J. Munusamy
4	Ex.B9	15.12.2004	Certified copy of sale deed executed by 1 st defendant (V. Kasirajan) in favour of Manjula
5	Ex.B10	13.06.2005	Certified copy of the sale deed executed by the plaintiff , the 1 st and 2 nd defendants to in favour of M. Munusamy.
6	Ex.B11	24.02.2006	Certified copy of the sale deed executed by Government Staff Welfare Council in favour of 3 rd defendant (J. Sankar)
7	Ex.B12	24.02.2006	Certified copy of sale deed executed by Mariammal and others in favour of 2 nd defendant S. Anbuselvi
8	Ex.B13	24.04.2006	Certified copy of sale deed executed by plaintiff, 1 st and 2 nd defendants in favour of Anandaraj
9	Ex.B14	25.09.2006	Certified copy of sale deed executed by D. Ramamurthi in favour of 2 nd defendant S. Anbuselvi
10	Ex.B15	08.11.2006	Certified copy of settlement deed executed by 1 st defendant V. Kasirajan in favour of the plaintiff.
11	Ex.B16	25.01.2007	Certified copy of the sale deed executed by S.K. Vadivelu and another in favour of 2 nd defendant S. Anbuselvi
12	Ex.B17	05.01.2008	Certified copy of judgment in OS.8012/2007 on the file of I Assistant city Civil Court, Chennai.
13	Ex.B18	05.01.2008	Certified copy of decree in OS.8012/2007 on the file of I Assistant city Civil Court, Chennai.
14	Ex.B19	22.02.2016	Certified copy of FIR in Crime No.57/2016 on the file of CCB, Chennai.

2. The averments in the petition in brief :

According to the petitioners, the suit was filed by the respondent seeking

partition and separate possession 1/3 share in the suit properties. The petitioners filed a detailed written statement contradicting the claim of respondent. Plaintiff examined as PW1 and Ex.A1 to Ex.A10 were marked. He was cross examined and marked Ex.B1 to Ex.B5 through plaintiff. One Ranjith was examined as PW2 and based on the endorsement of the counsel, the evidence of plaintiff was closed. While filing the written statement in the suit, the defendants were unable to file the documents to support their case. The reasons that the 1st defendant is aged and 2nd defendant is a housewife and the 3rd defendant was retired person and 4th defendant was employed during that time, it was difficult to collect the documents from registration and revenue authorities. However, in order to file the written statement within the stipulated time, they filed the written statement without documents. Only after filing the written statements, they collected documents like sale deeds, settlement deed, which are required to be marked on the side of the defendants. Already 5 documents were marked through cross examination of PW1. Therefore, further documents as stated in the petition may be received as additional documents and the same may be marked as Ex.B6 to Ex.B19.

3. The averments in the Counter filed on behalf of the respondent/plaintiff in brief:

The respondent resists the petition denying that the petitioner wantonly delayed the proceedings by filing the petition and there is no proper reason why the documents are not filed at the earliest point of time and there is no reason why the documents not filed without submitting proper reasons, the certified copies cannot

be marked and all the original documents have to be filed which are in custody of the defendants. Last three documents are not related to the suit and without adducing proper evidence secondary evidence is not maintainable in law. There is no sufficient reason at the stage of arguments, hence, this petition is not maintainable and filed only to protract the proceedings, hence, prayed to dismiss the same.

4. No oral or documentary evidence adduced by both sides.
5. Now, the point for consideration is
 1. **Whether the petitioner can be permitted to file additional written statement as prayed for ?**
 2. **Whether this petition is to be allowed?**

6. POINTS:

Heard both sides.

This petition is filed by the petitioner/defendant under Order VIII Rule 1A of Civil Procedure Code to receive the additional documents in the commercial Original suit to be marked on the side of defendants 2, 4 and 5.

7. It is the case of the petitioners/defendants 1 to 4 that the documents adduced are necessary to prove the defence in the original suit on the part of defendants 2, 4 and 5, hence, they have to be received. The documents were not available at the time of filing of written statement within the time limit so, the additional documents are required only to elaborate the pleadings in the written statement, as such, no prejudice would be caused to the respondent, hence prayed to receive the additional documents.

8. Per contra, the respondent/plaintiff contends that there is no proper reason filed to explain as to why the documents were not filed at the earliest point of time and the certified copies of documents cannot be accepted when the original documents are in the custody of the petitioners.

9. On perusal of records and points put forth by both counsel, it is learnt that this suit is filed by the respondent/plaintiff for partition and allotment of 1/3 share in respect of suit A to F schedule property and permanent injunction from encumbering the suit properties. In this case, already plaintiff side evidence was closed and pending for defendant side evidence. The petitioners are the only contesting defendants as the 1st and 3rd defendants are died. The defendant side evidence is yet to be commenced.

10. As far as the documents filed by the petitioner are concerned, they are all certified copies of sale deeds and , settlement deed and the Judgment and Decree. On perusal of written statement itself, the defendants pleaded the documents which now the petitioners sought to received. It is not the case of the respondent plaintiff that the documents are not related to the suit or the case of defendants in the written statement.

11. The petitioner has sought for only receiving the documents. Now, the original suit is pending for defendant side evidence . The documents are certified copies. Therefore, this Court considers that an opportunity has to be given to the petitioners for adducing all the oral and documentary evidence to prove their case as against the respondent/plaintiff . Moreover, no prejudice would be caused to the

respondent by receiving these documents, since mere filing of the document does not amount to its proof and relevancy as the respondents have every opportunity to put forth their objection and also to cross examine the witnesses with regard to the relevancy and proof of the documents sought to be received.

12. Considering the nature of the documents, which the petitioners sought to be received, no prejudice would be caused to the respondent by filing the documents as the respondent will have ample opportunity to object the proof and relevancy of these document sought to be received. Hence, in order to give the petitioners an opportunity to prove their case and considering all the other facts and circumstances, this Court is inclined to allow this petition.

In the result, this petition is allowed subject to proof, admissibility and relevancy of the documents sought to be received. No costs.

Dictated to Steno-typist, transcribed and typed by him, corrected and pronounced by me in Open Court, this 20th day of November, 2025.

**PRINCIPAL DISTRICT JUDGE,
TIRUVALLUR**

Witness & Documents on the side of petitioner
And respondent side : NIL

**PRINCIPAL DISTRICT JUDGE,
TIRUVALLUR**