

IN THE COURT OF PRINCIPAL DISTRICT JUDGE AT TIRUVALLUR
PRESENT: Dr. J. JULIET PUSHPA, Ph.D. (Law)
Principal District Judge, Tiruvallur

Wednesday, the 12th day of March, 2026

I.A.3/2025 in O.S.318/2018

P. Stella,

.....petitioner/defendant

/vs/

M. Sivanandan,

....Respondent/ plaintiff

Versus

This Petition coming on 25.02.2026 coming before me in the presence of M/s L.K. Charles Alexander, S. Dhivagar, learned counsel for the Petitioner and M/s S. Muthukumaravel, learned counsel for the respondent and upon hearing the arguments of both side and upon perusing the material case records and having stood over for consideration till this date, this Court delivered the following:-

ORDER

This petition filed by the Petitioners under Order VIII Rule 1A(3) of Civil Procedure code and section 151 of CPC to receive the additional document of of a copy of debt acknowledgement along with bank statement to mark the same as defendants side documents in the Original suit.

2. **Brief averments of the Petitioner is as follows :-**

According to the petitioner, she is the defendant in the original suit. The suit was filed by the respondent/plaintiff for recovery of a sum of Rs. 17,20,000/- on simple mortgage. When the suit was posted for defendant side evidence on 0708.2024, she could not appear to render evidence since she was

will. Hence, the defendant side evidence was closed on 07.08.2024 . In order to substantiate his case, the Debt Acknowledgement along with statement of bank account is necessary. Unless the document is received and admitted, she would be put to irreparable loss and injury. The delay in filing the document is neither willful nor wanton. Hence, prayed to receive the following document.

1. Debt payment receipt dated 07.02.2025 executed by one V. Suresh kumar in favour of defendant along with bank statement

3. **Brief averments in Counter filed by the respondent is as follows :-**

The respondent resists the petition denying the averments in the affidavit. The document was not pleaded in the written statement and subsequent to filing of the suit. The suit is based on the register mortgage deed which defendant has admitted. The defendant is introducing a new set of documents which were not pleaded. It is settled proposition of law after commencement of trial, the respondent cannot be put forth a new case to surprise the respondents, when the documents are not connected with the suit and when the plaintiff is not a party to the said documents. The trial has commenced as on 08.09.2023 , but the defendant is filing documents one after another, The document sought to be received is irrelevant to the *lis* . This petition is filed only to protract the proceedings, hence, prayed to dismiss the petitioner.

4. No oral and documentary evidence on both sides.

5. Now, the points for consideration in this petition are:

- 1) **Whether the petitioner is entitled to the relief as prayed for ?**
- 2) **Whether this petition is to be allowed?**

6. **POINTS 1 AND 2 :-**

Heard both side.

This petition is filed by the petitioner, who is defendant in the original suit seeking permission to receive totally one document to be marked on the side of the petitioner.

The case of the petitioner is she is the defendant in the original suit. When the suit was posted for defendant side evidence on 07.08.2024, due to her illness she could not attend the court, hence, her side evidence was closed and now posted for arguments. It is necessary to render evidence on the side of defendant to substantiate her defence in the case. Already petition to reopen the defendant side evidence was allowed on 20.11.2024 and now the suit is in the stage of marking of documents through DW1. The petitioner states that in order to prove her case, the debt receipt along with bank statement is necessary and the same is vital document to prove her defence as against the case of plaintiff, hence prayed to receive the same.

7. Per contra, the respondent vehemently objected on the ground that the petitioner has filed the document after the commencement of trial and the document sought to be received is pendent lis and the document is irrelevant to the suit.

8. On perusal of records and points put forth by both counsels, the suit is filed by the respondent for recovery of money Rs.17,20,000/- on simple mortgage deed dated 27.08.2015. The plaintiff side evidence was closed on 16.08.2023 and posed to defendant side evidence to 08.09.2023. From 08.09.2023, the case stands posted time to time for defendant side evidence till 07.08.2024. On 07.08.2024, since the defendant has not come forward to adduce evidence, even after sufficient opportunities, the defendant side evidence was closed, hence posted for arguments. Already petition to reopen the defendant side evidence was allowed on 20.11.2024 and subsequently Ex.B1 to Ex.B5 were marked on 29.01.2025 and now the case is pending for further documents on the side of defendnats. The petitioner now wants to file a debt acknowledgement receipt along with bank statement which is necessary to defend her case as against the respondent/plaintiff.

9. As far as the documents filed by the petitioner are concerned, the debt acknowledgement receipt is dated 07.02.2025 executed by one V. Sureshkumar in favour of the defendant and the same is produced in original along with bank statement . While the petitioner contends that this document is vital to defend her case, the respondent assail this document as irrelevant to the issues involved and the same and also the executor is not a party to the suit.

10. The petitioner has sought for only receiving the document. Now, the suit is pending for marking of further documents on the side of defendant. Already 5 documents were marked. This Court considers that an opportunity has

to be given to the petitioner for adducing all the oral and documentary evidence to prove her case as against the respondent. Moreover, no prejudice would be caused to the respondent by receiving this document, since mere filing of the document does not amount to its proof and relevancy. Moreover, the document sought to be received is original document.

11. Considering the nature of the document, which the petitioner sought to be received, no prejudice would be caused to the respondent by receiving this document, as the respondent will have ample opportunity to object the proof and relevancy of these document sought to be received. Therefore, considering the nature of the document sought to be received and in order to give the petitioner an opportunity to prove her case, this Court is inclined to allow this petition.

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

Dictated by me to the Steno-Typist, taken down, transcribed and typed by him, corrected and pronounced by me in the open Court on this the 12th day of March, 2026

**PRINCIPAL DISTRICT JUDGE,
TIRUVALLUR**

Petitioner & Respondent side
Witnesses and exhibits : NIL

**PRINCIPAL DISTRICT JUDGE,
TIRUVALLUR**