

IN THE COURT OF PRINCIPAL DISTRICT JUDGE AT TIRUVALLUR

PRESENT: Tmt. J. JULIET PUSHPA, B.Sc., M.L.,

Principal District Judge, Tiruvallur

Monday, the 2nd day of June , 2025

I.A.2/2024 in Probate O.P.No.306/2020

(CNR NO. TNTR010039922020)

S.C. Annamalai

....Petitioner/ Petitioner

Versus

1. S.K. Thiruvalli
2. S.K. Paari
3. S.K. Ramesh
4. S.K. Saravanan
5. S.K. Suresh
6. The District Collector, Tiruvallur

.... Respondents/Defendants

This Petition was coming on 21.04.2025 before me for final hearing in the presence of M/s B. Thennarasu, learned counsel for the Petitioner , M/s A.R. Poovannan, learned counsel for the respondents 1 to 5 and having the 6th respondent set exparte in the original petition 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 VII Rule 14(3) of Civil Procedure code to receive the following documents for marking the same as petitioner side documents.

1	24.08.2017	Certified copy of Decree and Judgment in O.S.No.3/2014
2	13.10.2023	Certified copy of decree and Judgment in AS No.15/2020
3	--	Certified copy of Deposition in OS.3/2014 of 1 st respondent
4	--	Certified copy of Deposition in OS.3/2014 of 2 nd respondent

2. Brief averments of the petition filed by the petitioner as follows :-

According to the petitioner, he has filed the original petition to probate the will dated 03.03.1997 executed by Chokkalinga Mudali in favour of the petitioner. He wants to file the documents of certified copy of decree and Judgment in OS.3/2014 and AS No. 15/2020 and also the deposition of DW1 and DW2 in OS.3/2014. The above said documents are necessary to substantiate his case. The petitioner could not produce the documents at the time of presentation of the original petition, which are necessary and relevant to substantiate his case. Hence, prayed to receive and permit the petitioner to mark the same as petitioner side documents.

3. Brief averments in Counter filed by the respondents 1 to 5 is as follows :-

The respondents 1 to 5 resisted the petition stating that the documents sought to be filed are irrelevant to the case. The petitioner has filed the documents only to track the issue in the original petition. The documents sought to be introduced without due pleadings has no evidentiary value and the same cannot be

received as additional evidence. The reason for non filing of the documents at the earliest point of time is not explained in the petition and there is no reason for delay in filing the documents. The deposition of respondents in earlier proceedings cannot be received as a document in other cases. The other documents are all obtained before filing the original petition itself. Hence, prayed to dismiss the petition.

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 the petitioner in the original suit seeking permission receive totally four documents to be marked on the side of the petitioner.

The case of the petitioner is that he has filed the original for the probating the Will dated 03.03.1997 executed by Chokkalinga Mudali in favour of the petitioner. The trial has not yet commenced and when the same is pending, the petitioner. At this stage, the petitioner has come forward with this petition to receive the documents of certified copies of judgment and decree in

OS.No.3/2014 on the file of Sub Court, Tiruttani and Judgment and Decree in AS No.15/2020 on the file of I Additional District Court, Tiruvallur and also the deposition of 1st and 2nd respondent in OS No.3/2014. The case of the petitioner is that the petition mentioned above documents are relevant to prove his case against the respondents, therefore come forward with this petition to receive and mark the same on the side of the petitioner for marking the same through evidence of the petitioner.

7. Per contra, the respondents 1 to 5 who are the respondents in the original petition contended that these documents are irrelevant to the proceedings of Original petition and the evidence of respondents in the earlier proceedings cannot be marked as document and also the petitioner failed to show that the documents without pleadings cannot be received.

8. On perusal of the records, it is evident that the petitioner /plaintiff filed the Original petition for probating the Will dated 03.03.1997 allegedly executed by his father, Chokkalinga Mudali in his favour. As far as the documents now the petitioner sought for to receive the same is the original suit which was filed by the respondents herein as against the petitioner herein before Sub Court, Tiruttani in O.S.No.3/2014 for partition of the suit property which belonged to the father of petitioner Chokkalinga Mudali. The said suit was dismissed on 24.08.2017 . As against the dismissal, the respondents herein preferred appeal in AS No.15/2020, which was also dismissed by I Additional District court, Tiruvallur on 13.10.2023. On perusal of the judgment in the

Original suit, the respondents herein assailed the Will executed by Chokkalingam Mudali which was negated by the trial Court in the original suit and held that the said Will is true and genuine. The findings of the Trial Court is also confirmed by the appellate Court in AS.15/2020. Even though the respondents herein contend that the earlier proceedings and evidences cannot be adduced in the Original petition, as contended by the petitioner, the proceedings in both the original suit as well as the Appeal Suit are concerned with the Will allegedly executed by Chokkalingam Mudali in favour of petitioner. Therefore, there is ground to receive the documents connected with original suit and Appeal suit in the Original petition which appears as relevant documents for consideration of the issues involved in the original petition.

9. The original petition is pertaining to probate of Will executed by Chokkalingam Mudali, which is also the subject matter in the original suit as well as Appeal Suit. Therefore, the petitioner is entitled to adduce evidence with regard to the alleged Will and produce all the connected documents to substantiate his case .

10. The learned counsel for the petitioner argued that when the documents sought to be received are relevant and necessary for arriving at a just decision of the suit, the same are admissible even though it was not produced along with original petition and procedural and technical hurdles shall not be allowed to come in way of the Court while doing substantial justice.

11. Admittedly, all the documents are certified copies of Court documents. If the petitioner does not file any document or copy along with original petition or pleaded, such documents shall not be allowed to be received in evidence at the hearing of the suit except with the leave of the Court.

12. As far as the above contention of the learned counsel for the respondents is concerned, this Court relies upon the authority of the Hon'ble Apex Court learned counsel for the petitioners relied upon the authority of the Hon'ble Supreme Court reported in **2020 (10) SCC 706** (*Sugandhi (died) by LRs Vs. P. Rajkumar*) , wherein the Hon'ble Apex Court held that

“If procedural violation does not seriously cause prejudice to adversary party, courts must lean towards doing substantial justice rather than relying upon procedural and technical violation”,

This Court considers 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 and also, court is expected to receive the documents and give an opportunity to the parties as held by our Hon'ble Apex Court.

13. Even though the respondents 1 to 5 contend that there is no diligence on the part of the plaintiff to produce the documents now sought to be received at the time of filing of the original petition, we should not forget the fact

that litigation is nothing but a journey towards the truth which is the foundation of justice and the Court is required to take appropriate steps to thrash out the underlying truth in every dispute. Admittedly both the documents now sought to be received deals with the alleged Will which is the core point in the original petition. Therefore, the Court is inclined to take a lenient view of this application is made for production of the documents under Order VII Rule 14(3) of C.P.C and the petitioner deserves a chance to let in further evidence to establish his case.

14. The petitioner has sought for only receiving the documents. Now, the original petition is pending for enquiry and trial not yet commenced. Therefore, this Court considers that an opportunity has to be given to the petitioner for adducing all the oral and documentary evidence to prove his case as against the respondents. Moreover, no prejudice would be caused to the respondents by receiving these documents, since mere filing of the documents does not amount to its proof and relevancy and the respondents will have every opportunity to assail those documents with respect to this admissibility , relevancy and proof.

15. Thus, considering the nature of the documents, which the petitioner sought to be received, no prejudice would be caused to the respondents by receiving these documents, as the respondents will have ample opportunity to object the proof and relevancy of these documents sought to be received in order to give the petitioner an opportunity to prove his case, 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 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 2nd day of June, 2025

**PRINCIPAL DISTRICT JUDGE,
TIRUVALLUR**

Petitioner & Respondent side
Witnesses and exhibits : NIL

**PRINCIPAL DISTRICT JUDGE,
TIRUVALLUR**