

**III ADDITIONAL DISTRICT AND SESSIONS COURT
TIRUVALLUR AT POONAMALLEE**

Present : Thiru.C.VIJAYAKUMAR, B.A., B.L.,
III Additional District and Sessions Judge

Monday, the 08th day of December 2025

I.A.No.09/2025 in O.S.No.274/2020

Manikandan, S/o. Murugesan,
residing at, Block – A,
108 AKS Serenity, Aiswaiya Nagar,
Ayanambakkam, Maduravoyal,
Tiruvallur – 600 095.

..Petitioner / Plaintiff

//Vs//

1. Mrs. Ambika, W/o. Manikandan,
No. 1/47,48, Melavitukatti,
Srinthalavadi Village, Lalapettai post,
Krishnarayapuram Taluk, Karur District.

2. The Sub Registrar,
Konnur Sub Register Office,
Ambattur PTO office Complex,
M.T.H Road, Ambattur,
Chennai-600053

3. The Sub Registrar,
Sriperumbudur Sub Register Office,
Sriperumbudur,
Kancheepuram District
Chennai.

4. The Sub Registrar,
Ambattur Sub Register Office,
Ambattur, Chennai.

5. The Sub Registrar,
Thiruvathipuram Sub Register Office,
Joint-II Sub Registrar, Thiruvathipuram,
Cheiyar Taluk,
Thiruvannamalai District.

..Respondents / Defendants

This petition came up before this Court for final hearing on 29.10.2025 in the presence of Mr. D. Thanigai Vasan learned counsel for the petitioner / plaintiff, 1st respondent / 1st defendant set *ex parte* on 27.10.2025, defendants 2 to 5 set *ex parte* in the main suit on 26.03.2021, and upon hearing petitioner side arguments and having stood over for consideration till this day, this court passed the following:

ORDER

The plaintiff in the suit has filed this petition under Order VII Rule 14(3) of CPC and prayed to receive the documents as additional documents of the plaint.

2) The averments made in the affidavit filed by the plaintiff in support of the petition are briefly as follows:-

The Petitioner herein is the plaintiff in the above suit and stated that the 1st defendant has made an attempt to alienate the schedule properties A, B, C and D without his consent in order to get an illegal gain and the 1st defendant / 1st

respondent herein has not right and title to alienate the schedule property, since she was his benamidar and also she made an illegal attempt to cause disturbance to his possession. Further he stated that, the following documents are more relevant to the suit filed by the petitioner / plaintiff for the declaration and permanent injunction and disprove the defense.

- (i)** Certified copy of Decree and Judgment of Divorce in H.M.O.P No:601 of 2021 dated 23.06.2022
- (ii)** Certified copy of Proclamation of immovable property in E.P.No:24/2010 in O.S.No.47/2010 dated 12.07.2021
- (iii)** Certified copy of Award before the District Legal Service Authority along with Joint Compromise Memo in E.P.No:24 of 2010 in O.S.No:47 of 2010 dated 04.07.2018.
- (iv)** Office copy of plaint in O.S.No:554/2021 at Hon'ble ADJ No.III Poonamallee.
- (v)** Office copy of Petition in GWOP No: 347 of 2022 PDJ Thiruvallur.
- (vi)** Online Order copy in Crl.O.P.No:8883/2024 dated 07.06.2024.
- (vii)** Online copy F.I.R in Cr.No:173/2022 Nolambur police Station dated 16.03.2022.
- (viii)** F.I.R. Closure Order in Crime No. 5/2021 by Hon'ble J.M.I. povai.

And the petitioner herein prayed to receive the documents as additional documents in the main suit. Hence, the petition.

3) After being taken on file, defendants 2 to 5 set *exparte* in the main suit on 26.03.2021 and notice issued to the 1st respondent. On 27.10.2025, respondent called absent and set *exparte*.

4) On the side of the Petitioner/ Plaintiff and Respondents/ Defendants, no witnesses were examined and no documents were marked.

5) **The point arising for consideration is whether the petition has to be allowed ?**

6) **Point:**

Heard both sides. Perused the documents.

7) The Petitioner filed this petition under Order 7 Rule 14(3) C.P.C. to produce the additional documents annexed with the petition.

8) It is well settled principles of law that before Pronouncing Judgment the plaintiff is entitled to file produce document which he relied with the leave of the court. The section 5 of the Indian Evidence Act reads as follows :

Section 5:- Evidence may be given of facts in issue and relevant facts

“Evidence may be given in any suit or proceeding of the existence or non-existence of every fact in issue and of such other facts as are hereinafter declared to be relevant, and of no others.”

9) According to the above provision, in a suit, evidence must be provided regarding the existence of facts pertaining to the fact in issue, as well as

relevant facts as prescribed under the Indian Evidence Act, and not otherwise.

Although the Petitioner herein is the respondent, the Order 7 Rule 14(3) of the Code of Civil Procedure is available for the plaintiffs in the suit.

10) The Order 7 Rule 14(3) CPC read as follows :

Order 7 Rule 14 CPC Production of document on which Plaintiff sues or relies.

(3) 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 annexed 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 at the hearing of the suit.

As per the above provision, the Plaintiff shall be permitted to produce subsequent documents. Although the Petitioner does not intend to produce the document for the main suit, the Petitioner is ordinarily at liberty to produce the document as part of the usual enquiry in the set-aside petition directly, since the circumstances necessitating the production of the document had matured when the Petitioner filed the counter. The respondents also not appeared and not contested the claim off the petitioner.

11) The production of a document and its admissibility operate under different circumstances. The production of a document is one aspect, while its admissibility is another. Allowing party to produce documents they rely on

assists this court in effectively determining the facts at issue. To avoid multiplicity of proceedings and ensure a speedy trial, this court is inclined to allow this petition, as the production of these documents does not prejudice the other side.

12) In the result this petition is allowed. No Costs.

Dictated to the typist directly, typed by her in the computer, corrected and pronounced by me in the open court, this the 8th day of December 2025.

**III Additional District and Sessions Judge,
Tiruvallur at Poonamallee.**