

IN THE COURT OF THE DISTRICT MUNSIF, THIRUVOTTIYUR

Present: Thiru.R.Revanth., B.A., L.L.B., (Hons.)

District Munsif,

Thiruvottiyur

Friday, this the 10th day of April 2026

I.A.No. 04 of 2025

in

O.S.No.57/2021

1. Janaki
2. Shanthi

... Petitioners / Plaintiffs

//Vs//

1. Vasuki
2. Suguna
3. Bhuvaneshwari
4. Annamalai

... Respondents/Defendants

This petition came up on 06.04.2026 for final hearing before me in the presence of M/s.R.Jaganathan and P.Shanmugapriya Advocates for Petitioners/Plaintiffs and M/s.V.Rajasekar, J.Sudhakar and R.Harshita Advocates for the 1 to 3 Respondents/1 to 3 Defendants and 4th respondent already set exparte in main suit and upon hearing enquiry on both sides and having stood over for consideration till this date, this court made the following:

ORDER

This petition is filed by the Petitioners/Plaintiffs under Order 7 Rule 14(3) of CPC to receiving the documents in the above suit.

2. The averments of the petition/affidavit filed by the Petitioners/ Plaintiffs in short are as follows:

The petitioners state that she is the 1st petitioner/1st plaintiff. She has filed this affidavit on behalf of 2nd petitioner/2nd plaintiff also. She has filed the suit for permanent injunction against the respondents/defendants. On 29.07.2025 the above case posted for plaintiff's side further marking of documents. She was unable to file plaintiff side documents in the plaint. Now only she trace out the documents. Hence she was filing the above documents. 1. Partition deed among S.Dhamayanthi Ammal, T.Raja Shanmugam and R.Anjugam Doc.No.1555/1970, 2. CSR Copy, 3. Manaivari Thoraya patta of 1st plaintiff, 4. Manaivari Thoraya Patta of 2nd plaintiff and 5.Photo with CD. The same may be marked as Ex.A12 to Ex.A16. Hence she was deposing as witness and ready to mark the above documents on plaintiff's side. The above documents are vital in the above case. If the petition is not allowed she will be put in to irreparable loss hardship and injury. Hence the petitioner prays to receive the above mentioned additional documents in the above suit. Hence this petition.

3. The averments of the counter filed by the 1st respondent/1st defendant and adopted by the 2nd and 3rd respondent/2nd and 3rd defendant in short are as follows:

The respondents state that she was the 1st respondent/1st defendant in the above suit. The counter is also filed on behalf of 2nd and 3rd respondent also. The suit was

filed by the plaintiffs in the year 2021. The present application is filed only now in 2025 after a lapse of nearly four years seeking to mark additional documents. The reason stated that the petitioners have now only traced out the documents is utterly unbelievable and reflects a gross and deliberate delay and laches on their part. There is no reasonable or satisfactory explanation offered for this inordinate delay of four years in producing these documents.

Further, the plaintiff's claim is based on a title derived from a sale deed dated 17.09.1981. This deed is void and unenforceable due to a prior agreement and the doctrine of part performance in favour of their father late E.Velu, who obtained a registered sale deed for plot No.220 on 20.06.1982. The documents now sought to be introduced, particularly the partition deed of 1970, relate to the very root of the title of the original owner, R.Anjugam. These are foundational documents that the plaintiffs were duty-bound to file along with the plaint in 2021 to establish their own chain of title. Their failure to do so for four years, and their attempt to introduce them at this belated stage, is a clear tactic to fill gaps in their case and prejudice the defendants. Further, allowing this application at this late juncture would cause grave prejudice to the defendants, who have already sold the suit property to bonafide purchasers in 2021 and would unnecessarily protract the proceedings. The petitioners/plaintiffs have not come to the court with clean hands and their application is a mere abuse of the process of law. Hence the respondents pray to dismiss the above petition with costs.

4. Now, the point for consideration is whether the petition filed Under Order 7 Rule 14 (3) of CPC has to be allowed or not?

5. Heard both sides.

6. The petition and counter and other materials available on records were carefully perused. Both sides have not examined any witness and have not marked any exhibits and documents.

7. Admittedly, the suit is filed for the suit for permanent injunction against the respondents/defendants.. The above suit was posted for further marking of documents by PW1. On 29.07.2025 the above case posted for plaintiff's side further marking of documents. The petitioner states that she was unable to file the plaintiff side documents along with the plaint and now only she traced out the documents and hence she is filing the additional documents now. The documents are 1. Partition deed Doc.No.1555/1970, 2. CSR Copy, 3. Manaivari Thoraya patta of 1st plaintiff, 4. Manaivari Thoraya Patta of 2nd plaintiff and 5.Photo with CD. The petitioner states that the above documents are vital in the above case. The petitioners further states that therefore she is filing this petition to receive the additional documents in the above suit.

8. Per contra, the respondents contended that the suit was filed by the plaintiffs in the year 2021. The respondents contended that the present application is filed only now in 2025 after a lapse of nearly four years seeking to mark additional documents. The respondents further contended that plaintiffs claim are based on a title derived from a sale deed dated 17.09.1981 and this deed is void and unenforceable due to a prior agreement and the doctrine of part performance in favour of their father late E.Velu, who obtained a registered sale deed for plot No.220 on 20.06.1982. The respondents states that the documents now sought to be introduced, particularly the partition deed of 1970, relate to the very root of the title of the original owner, R.Anjugam. The respondents further states that no evidence without no pleadings and the document cannot be received and the petitioners are unnecessarily protracting the proceedings and hence this petition is liable to be dismissed.

9. On perusal of records, it is seen that this case is pending for further marking of documents by PW1 and the petitioners/plaintiffs have come forward with this present petition to receive the additional documents in the above suit. The respondents/defendants strongly objected that this petition is filed by the petitioners/plaintiffs to prolong the proceedings.

10. However, this court feels that, the petitioner has to be given sufficient opportunity to put forth their case to meet the ends of the justice. No prejudice will be caused to the respondents by way of allowing this application. Therefore in the interest of justice this court inclined to allow this petition.

In the result this petition is allowed and the proposed 5 documents will be marked subject to admissibility and relevancy. No costs.

Dictated directly to the steno-typist, typed by her in the computer, corrected and pronounced by me in open court, this the 10th day of April 2026.

District Munsif,
Thiruvottiyur.

List of witnesses and exhibits on both side: Nil

District Munsif,
Thiruvottiyur.