

IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.

**PRESENT: Tmt. V. Vannamalar, M.L., PGDIPR., PGD in CrI. & Fr.Sc.,
District Munsif, Ponneri.**

Monday, the 07th day of April 2025

IA.No.3 of 2024

in

O.S.No.125/2010

Kavitha

.....Petitioner/plaintiff

- Vs -

1. K.S.Chidambaram (Died)
2. K.C.Ganesan
3. G.Saridha
4. K.Anil Kumar
5. B.Sambasiva Rao
6. Banumathi

.....Respondents/defendants

This petition came up for hearing on 26.03.2025, in the presence of Mr.E.Thulasiraman, Mr.U.Asalam, Mr.Rajesh, Mr.Santhosh, learned counsels for the petitioner/plaintiff and Mr.T.Mahesh, learned counsel for the respondents/defendants 2, 3 and 6 and Mr.G.Babu Rao, learned counsel for the respondents/defendants 4 and 5. Upon hearing the arguments of both sides and on perusal of the material case records and having stood over for consideration before this court till this day, this court delivers the following

ORDER

This petition has been filed by the petitioner / plaintiff under Order VII Rule 14(3) r/w Sec.151 of CPC praying to permit the petitioner/plaintiff to file Additional Document on her side in the suit.

2. Brief averments of the affidavit filed by the petitioner are as follows:

2.1. The petitioner who is the plaintiff in the suit submits that she has filed a suit for partition of the suit property against the respondents. The petitioner submits that in the plaint she has specifically pleaded that the 1st defendant deceased Chidambaram had purchased the suit property out of the income from the ancestral properties and also purchased properties to an extent of 6.50 acre in pakkam village, Thiruvallur District. The petitioner states that subsequent to that she has found the survey numbers pertaining to the properties a pakkam village which was purchased by her father, the deceased Chidambaram from one Arumuga pillai through a registered sale deed in Doc.No.1299/1990 dated 22.03.1990 at the office of the Sub Registrar, Ponneri. The petitioner states that the said Chidambaram had conveyed the above said properties to one Rajan vide a registered sale deed dated 28.10.1993 in Document No.3943/1993 at SRO, Thiruvallur.

2.2. The petitioner submits that the said sale deed is vital to prove her case and hence she has submitted a certified copy of the sale along with this petition. The petitioner states that unless the above document is considered by this court, she will not be able to prove her case in the suit. She further states that the omission to file the document earlier was neither intentional nor wanton and it is only because that she had found the details regarding the said document very recently. Hence this petition.

3. Brief averments of the counter filed by 2nd respondent on his behalf and on behalf of the respondents 3 and 6 are as follows:

The 2nd respondent submits that the said Chidambaram who was the 1st defendant in the suit had died during the pendency of the suit. The respondent submits that the sale deed which has been submitted by the petitioner along with this petition has no relevancy with respect to the suit property and that this petition has been filed only to delay and drag on the suit proceedings. Further the respondent objects to allow this petition stating that the contentions made by the petitioner in her affidavit are false.

4. Brief averments of the Counter filed by the 4th respondent and adopted by the 5th respondent are as follows:

The 4th respondent submits that there is no pleadings in the plaint with respect to the averments made by the petitioner in her affidavit. The 4th respondent submits that the averments made by the petitioner in her affidavit that the property under the sale deed submitted was purchased from the income from ancestral properties was not stated by the petitioner in the plaint. The 4th respondent also denies the averments made by the petitioner in her affidavit as false and submits that the document which has been submitted along with the petition by the petitioner is not relevant to the suit properties and states that the petitioner has no case at all and prays to dismiss this petition with exemplary costs.

5. Neither the petitioner nor the respondents have placed any oral or documentary evidence before this court. Now it is the paramount duty of the court to decide whether this petition is to be allowed or not.

6. Heard both sides arguments. Records perused.

7. On careful consideration of the above this court finds that the petitioner who is the plaintiff in the suit has filed the suit for a relief of declaration of certain registered documents as null and void and for partition of the suit properties and for a relief of permanent injunction as against the defendants in the suit. When the suit is pending for marking of documents on the side of PW1, this petition has been filed praying to permit the petitioner to submit additional documents on her side.

8. The petitioner submits that the document submitted along with this petition are vital to prove her case while the respondents dispute the relevancy and the admissibility of the document. The relevancy and the admissibility of the document cannot be decided at this stage as it requires detailed evaluation of evidence. It is pertinent to view that if this petition is allowed the respondents would have an

opportunity to cross examine and to test the veracity of the evidence placed by the petitioners.

9. Considering the above aspects and in the interest to meet the ends of justice this court is inclined to allow this petition whereby no prejudice would be caused to the respondents.

10. In the result, this petition is allowed. No costs. However, marking of documents is subject to its proof, admissibility and relevancy to the case.

Dictated by me to the steno-typist, who directly typed the same, corrected and pronounced by me in the open court, on this the 07th day of April 2025.

**DISTRICT MUNSIF
PONNERI**

Both side witnesses and documents:- NIL

**DISTRICT MUNSIF
PONNERI**

Fair/ Draft Order
I.A.No.3/2024
O.S.No.125/2010
Date: 07.04.2024
DMC,PNI.