

**IN THE COURT OF THE II ADDITIONAL DISTRICT JUDGE,
THOOTHUKUDI.**

**Present : Tmt. M. Breetha, M.L.,
II Additional District Judge,
Thoothukudi.**

Monday, this the 2nd day of March 2026

I.A. No. 07/2025 and I.A. No. 08/2025

in

O.S. No. 29/2022

Santhanam

...Petitioner/Plaintiff

/ versus /

1.Jalandar
2.Gunasekar
3.Jeyachandran (Died)
4.Santhanam
5.J.Chithiraikani
6.J.Ganesh Murugan
7.J.Naveena

...Respondents/Defendants

These petitions came before me for final hearing on 20.02.2026 in the presence of Thiru.P.Swamy Ayyah, Learned Advocate for Petitioner/Plaintiff and in the presence of Thiru.Jeevarathinam, Learned Advocate for 2nd respondent and in the presence of Thiru.M.Marimuthu, Learned Advocate for respondents 5 to 7 and 3rd respondent died and 1st and 4th respondents were set exparte in the main suit and upon hearing both side arguments and on perusal of records and having stood over till this day for consideration of this court, this court delivers the following:

COMMON ORDER

IA. No.07/2025:

This petition has been filed by the Petitioner/Plaintiff U/s. 151 of CPC to reopen the case for examination of PW.1.

II ADJ, Thoothukudi

I.A. 7/2025, 8/2025 in O.S. 29/2022 Dated 02.03.2026

IA.No.08/2025:

This petition has been filed by the Petitioner/Plaintiff under Order 7 Rule 14 and section 151 of CPC seeking permission to receive the document.

2. Brief averments of the affidavit and petitions:

The petitioner is the plaintiff in the main suit and has averred that the suit is posted for cross-examination of PW.1 and that the document, which is essential to prove her case has been traced now and that it is just and necessary to mark the above said document in support of her case and hence, constrained to file these petitions and pray to allow the same.

3. Brief contentions of the counter filed by the 2nd respondent:

The 2nd respondent has denied all the averments made in the petition and has contended that these petitions have been filed to protract the proceedings of the suit and that the reasons stated by the petitioner are not genuine and prays for dismissal of the petition with cost.

4. Brief contentions of the counter filed by the respondents 5 to 7:

The respondents 5 to 7 have denied all the averments made in the petition and have contended that when the suit has been posted for cross examination of PW.1, the petitioner has come forward with these petitions to reopen the case and to receive the document with false reasons and to protract the proceedings and prays for dismissal of the petition with cost.

5) The point for consideration is whether these petitions can be allowed or not?

6) Both sides are heard. Records perused. The petitioner is the plaintiff and the respondents are the defendants in the main suit. The main suit is pending for cross examination of P.W.1. At this stage, the petitioner, who is the plaintiff has come forward with these applications to reopen the case and to receive the document. Being the plaintiff, she has a legal bounden duty to prove her case through oral and documentary evidences. This court would like to impress that mere producing of the document may not amount to take the same in evidence. The established norms and procedures to be followed in the petition which was filed to receive the documents belatedly has been held by the *Hon'ble Madurai Bench of Madras High Court in the case Gurusamy and others Vs. Santhanam reported in 2005(5) CTC 102 as follows:*

“ ... Generally those documents are received subject to proof and relevancy and the admissibility of the documents in evidence should be decided at the time of marking the same as exhibits and at the time of examination of the witnesses, thereby making it as evidence. Till such time the court is not expected to go through the admissibility of the document. Mere producing the documents before the court, whether it is registered or unregistered documents, may not amount to taking the same in evidence as understood in law, and there is further stage for the documents to take a shape of evidence, for relying, only at that stage, the admissibility on the basis of stamp duty, registration, etc. has to be seen in detail...”

7) As per the above said principle, this court is of the view that the admissibility of the documents cannot be decided at this stage and the documents can be received subject to its proof and relevancy. Moreover, as the Counsel for the respondent has got sufficient opportunity to raise his objections at the time of marking the document and to cross examine the witness regarding that document, if it is marked. In such circumstances, this court is of the opinion that by allowing these applications, no prejudice would be caused to the other side. Therefore, this court is of the view that

the petitioner shall be given one more opportunity to produce the documentary evidences in support of her case.

8) Therefore, for the above reasons, this court is of the view that it is just and necessary to reopen the case and to receive the document.

I.A.No.07/2025

In the result,

This petition is allowed. No costs.

I.A.No.08/2025:

In the result,

.This petition is allowed. No costs.

The order was dictated by me to the Steno-Typist, transcribed and printed out by her, then corrected and pronounced by me in open court, this the 2nd day of March 2026.

II Additional District Judge,
Thoothukudi.

Witnesses examined by the petitioner: NIL

Witnesses examined by the respondent: NIL

Exhibits marked by the petitioner: NIL

Exhibits marked by the respondent: NIL

II Additional District Judge,
Thoothukudi.

