

**IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE (FTC),
VELLORE, VELLORE DISTRICT.**

**PRESENT: Thiru.G.Radhakrishnan, B.Com., L.L.B.,
Additional District Judge (FTC) (FAC), Vellore.**

Friday, the 7th day of March, 2025

I.A. No.4/2024 in O.S. No.20/2021

B.Leela . . . Petitioner/Plaintiff

Versus

1. A.Lisa
2. B.Prabhu
3. A.Nisha . . . Respondents/Defendants

This petition came up before me for final hearing on 05.03.2025, in the presence of Thiru.R.Karthikeyan, Counsel for the Petitioner/Plaintiff; Thiru.S.T.Rajkumar, Counsel for the Respondents/Defendants 1 and 3; and Thiru.A.Karthikeyan, Counsel for the 2nd Respondent/Defendant and upon hearing the arguments of both sides, perusal of case records and having stood over for consideration till this date, this court delivers the following:-

ORDER

This petition has been filed by the petitioner under Order 7 Rule 14(3) and Section 151 of C.P.C. to excuse the delay in filing the petition mentioned documents and grant leave to the petitioner to file the additional documents on the petitioner side in the above case.

2. The averments of the affidavit are as follows:-

2.1 The petitioner is the plaintiff in the main suit filed for the relief of

partition and permanent injunction. It is stated by the petitioner that now only she is able to obtain copies of the some relevant documents to prove her case. Hence, the said documents were unable to file at the time of filing the suit. The delay in filing the documents mentioned in the petition is neither willful nor wanton. Unless the delay in filing the documents is condoned and permit the petitioner to file the said documents on her side in the above case, she will be put to great loss and hardship. Hence, it is prayed to excuse the delay in filing the petition mentioned documents and grant leave to the petitioner to file the additional documents on her side in the above case.

3. **Brief averments of the counter filed by the 2nd Respondent are as follows:-**

The petition is not sustainable either in law or on facts of the case. The petitioner had not produced any single scrap of paper to substantiate her allegations levelled against the respondents. Knowing full well of the facts that she had no case at all, the petitioner had filed the above petition without any legal basis and with some ulterior motive to harass this respondent to come to terms either one way or other. The petitioner had not stated any valid or tenable reasons why she had not produced the alleged documents sought to be received in the above case on her side. In order to delay the proceedings, the petitioner had filed the above application without any legal basis. The above suit is filed in the year 2021 and nothing is prevented the petitioner to

file those document sin the above case. All these days the petitioner had not chosen to take any steps to file the documents which shows the lethargic attitude of the petitioner. In order to fill up lacuna in her case, the petitioner wants to file this application. The entire allegations made in the petition are very vague in nature and there is no iota of truth in the said allegations. So, based on the vague and vexatious averments the petitioner is not entitled to any relief from this court. In order to drag on this aged respondent from pillar to post without any valid or tenable reasons the petitioner had filed this petition with cock and bull stories. There is no cause of action for this petition and one pleaded is not correct. There are no merits or bonafide in the above application. In the light of the above submissions, it is prayed to dismiss the petition with cost of this respondent.

* The counsel for the Respondents 1 and 3 reported 'No Counter'.

4. There is no oral and documentary evidence on both sides.

5. The point for consideration in this petition is,

Whether this petition is to be allowed and whether the documents filed along with this petition is to be received as additional documents as prayed?

6. Point:-

6.1 It is observed from the materials that the above suit has been filed for partition against the defendants claiming 1/4 shares by the plaintiff. The

defendants have filed detailed statements, this court had framed issues and the matter was posted for trial, by that this this application has been filed to receive additional documents.

6.2 This petition has been contested by the 2nd respondent alone and the respondents 1 and 3 reported 'No Objection' for the same. The main objection of the 2nd respondent is that the application has been filed belatedly without any legal basis and the petitioner did not file these documents although case was posted for trial long back.

6.3 The learned counsel for the petitioner would submit that the documents filed along with this application are necessary documents to substantiate the claim of the petitioner and no prejudice will be caused to the respondents for receiving the said documents. Per contra, the learned counsel for the 2nd respondent would submit that there are no grounds to receive the additional documents filed at belated stage.

6.4 Before going into the merits of this petition, the object of enactment and amendment has to be looked into. Civil Procedure Code, 1908 was amended as per Act 46 of 1999. Prior to Amendment Act 46 of 1999, Order XIII Rule 2 provides for production of documents by parties, before the settlement of issues. But on the Amendment of Act 46 of 1999, Order XIII Rule 2 was repealed. As per Act 46 of 1999, the plaintiff ought to have produced all the documents relied upon by him along with the plaint and the

defendant shall produce all the documents relied upon by him along with written statement. The Amendment Act 46 of 1999 was changed by Salem Bar Association before the Hon'ble Apex Court and as per the verdict of Hon'ble Supreme Court, Civil Procedure Code was once again amended and in Order VII Rule 14(3) an amendment was incorporated providing opportunity to the plaintiff to produce the documents which were not annexed in the plaint at the later stage with the leave of the court. Similarly Order VIII Rule 1A(3) incorporated providing an opportunity to the defendant to produce documents which were not annexed with the written statement at the later stage with the leave of the court. So, by amending Civil Procedure Code in the year 2002, by incorporating the above provisions with an object of providing opportunity to the plaintiff and the defendant to file the documents which were not annexed with the plaint or written statement as the case may be, at the later stage of the suit with the leave of the court.

6.5 Now coming to the point for consideration in this application, the petitioner being the plaintiff in the suit who filed the suit in the year 2021 now comes out with the application under Order VII Rule 14(3) of C.P.C. by enclosing the documents listed in the petition to receive the same as additional documents on her side. The documents which are filed by the petitioner herein are 1) Registration copy of the Sale Deed executed by R.Annamalai in favour of U.A.Bhaskaran, 2) Certified copy of the Sale Deed

executed by P.Indira in favour of U.A.Bhaskaran, 3) Certified copy of the Sale Deed executed by K.Loganathan in favour of U.A.Bhaskaran, 4) Online copy of the Death Certificate of U.A.Bhaskaran and 5) Online copy of the Legal Heir Certificate of U.A.Bhaskaran. The evidentiary value of the said documents, relevancy and admissibility of the said documents would be decided only during trial. One of the main objection raised by the 2nd respondent is that this application has been filed to drag the proceedings. As already narrated in the above para, the object of enactment is to provide opportunity to the parties to produce documents at later stage, if sufficient reason is assigned to the satisfaction of the court. It is stated in the petition that the said documents have been obtained only subsequent to the suit and so the same could not be produced along with the plaint. So, the reason stated in the petition is satisfied.

6.6 The matter at issue and point to be considered in the suit will be based on evidence. So, in order to decide the suit, the documents now produced by the petitioner stated to be necessary documents and mere receiving of documents at belated stage will not cause much prejudice to the respondents. The documents produced are subject to proof and relevancy and permission is sought only to condone the delay in producing the documents which were not produced along with plaint.

6.7 For enhancing substantial justice and also to decide the suit, this Court is of the view to permit the petitioner to file the documents enclosed in the application and the respondents are at liberty to raise their objections while marking the said documents or during arguments with respect to genuineness and relevancy of the documents. The objections raised by the 2nd respondent in the counter will be considered while deciding the suit. Accordingly, this point is answered in favour of the petitioners.

In fine, this petition is allowed. The documents are ordered to be received. No costs.

Dictated to the Steno-Typist, transcribed by him, corrected and pronounced by me in the Open Court, on this the 7th day of March, 2025.

**Sd/-G.Radhakrishnan,
Additional District Judge (FTC) (FAC),
Vellore.**

Both side Witnesses and Exhibits:-

- NIL -

**Sd/-G.Radhakrishnan,
Additional District Judge (FTC) (FAC),
Vellore.**