

BEFORE THE PRINCIPAL DISTRICT JUDGE'S COURT, VELLORE,
VELLORE DISTRICT.

Tmt.N.Vasanthaleela, B.Com., LL.M.,
Principal District Judge, Vellore .

I.A. No. 04 of 2022 in O.S. No. 56 / 2016

Wednesday, the 09th day of November, 2022

Thiru. J.Chandrasekaran . . . Petitioner / Plaintiff

//versus //

1. AASCAR Promoters Private Ltd.,
Represented by its Managing Director / General Manager.
2. Thiru. S. Sivakolundu (Died)
3. Tmt. Dhatchayini . . . Respondents / Defendants

This Petition coming on for final hearing on 02.11.2022 in the presence of Thitu.J.Sridharan, Advocate for the Petitioner/ Plaintiff, Thiru. V.Jothiram, Advocate for the Respondents/ Defendants, Counter not filed for the Respondents. Hence Respondents called absent and hence set exparte, upon perusing the material case records and having stood over for consideration till this date, this Court delivered the following:-

ORDER

Petition filed by the petitioner under Order 7 Rule 14 (3) of CPC; to condone the delay filing the documents annexed with the list and permit to mark the same as his side exhibits.

2. Brief Averments of the affidavit are as follows:-

The Petitioner is the Plaintiff in the main Suit. The Defendants had been jointly running the above said "AASCAR Promoters Private Ltd" to deal with Real Estate business by collecting amounts from Public to invest the amount to purchase lands and then convert the lands into housing sites and sell the same to General Public. During the pending of the suit, some documents which have come to relevant due to submission of Additional Written Statement by the Respondent No.3 and to the added issues and now the Petitioner file these documents which have vital relevancy in the present suit. The Petitioner got a very good case, if the Petitioner will not be permit to mark the document annexed herewith, as otherwise, the Petitioner will be put in very good loss and hardship.

3. Counter not filed for the Respondents. Hence Respondents called absent and hence set exparte.

4. No oral and documentary evidence on both sides.

5. Now the points for consideration in this petition is

(1) Whether the petition filed by the Petitioner / Appellant to condone the delay of filing the document annexed with the list and permit him to mark the same as his side exhibits, may be allowed or not and

(2) To what other relief the Petitioner is entitled?

6. POINT:--

The Petitioner / Plaintiff filed this petition to condone the receive the Petition mentioned documents and to permit the petition to mark the same as Plaintiff side exhibits. The Respondents 1 and 3 called absent and set exparte.

7) From perusal of the case records it is evident that the Petitioner / Plaintiff for Recovery of Money as against the Respondents / Defendants. Subsequent to the suit, the 2nd Defendant died. The 3rd Defendant is the wife of the 2nd Defendant and the 1st Defendant is Proprietary concern. The Respondents / Defendants 1 and 3 filed their Written Statement and contesting the suit. But in the present petition, they remained absent and not come forward to file any counter objections and hence this Court draws adverse inference against the Respondents.

8) Further perusal of the Petition mentioned documents as detailed in the list of documents, Documents No.6 to 10 are the Certified copies of sale deeds obtained from Sub Registrar, KV Kuppam purchased by the 2nd and 3rd Respondent. The Documents No.1 to 4 are Electronic documents and 5th Document is affidavit cum certificate U/s 65 B of Evidence Act. filed the main petition seeking divorce from the Respondent on the grounds of cruelty. Whether the documents are permissible in evidence, whether they are related to the issues involved in the suit or not has to be decided only at the time of trial. At present, the merit and admissibility of the documents cannot be decided and that too in the absence of Counter objections by the Respondents. Further, the Respondents is having sufficient chances to cross examine the Petitioner to

disprove the said documents during the course of trial. Considering the fact that the suit has been filed in the year 2016 and pending for more than 7 years, considering the fact that the Respondents not come forward to file any counter objections, in order to give a chance to the Petitioner to conduct his case and in order to avoid further multiplicity of proceedings and in the interest of justice, this Court is inclined to entertain this petition and thus the points are answered accordingly.

In the result, this petition is allowed. The Petition mentioned documents are ordered to be received, subject to the deciding of the proof and relevancy of the documents at the time of trial. No costs.

Dictated to the Steno-typist, typed by him directly, corrected and pronounced by me in the Open Court, this day, the 09th of November 2022.

**Principal Sessions Judge,
Vellore District**