

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

PRESENT: Tmt.P.Revathy, M.A.,M.L.,  
Additional District Judge(FTC),Vellore.

Dated this the 22<sup>nd</sup> day of February 2024, Thursday.

I.A.No.3/2023  
O.S.NO.46/2020

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Mahesh Kumar

..Petitioner/Plaintiff

//Vs//

John Ravichandran

..Respondent/Defendant.

This petition is coming before me on 21.02.2024 for final hearing in the presence of Thiru.G.Ravi and Thiru.G.Sivakumar, Counsels for the petitioner and of Thiru.T.S.Kannaiyan and Tmt.C.Padmaja, counsels for the respondent and upon hearing the arguments of both sides and upon perusing the entire case records and having stood over for consideration, till this date this court delivered the following;-

**ORDER**

Petition filed by the petitioner under Or. 7 Rule 14 of CPC, prays to condone the delay for filing documents and permit the petitioner to mark the same in Plaintiff's side.

**2.The averments of the affidavit is as follows:-**

The petitioner herein is the Plaintiff in the main suit. The petitioner had filed the main suit for specific performance against the respondent. At the time

of filing, he filed the plaint document 23.07.2018 dated registered sale agreement between Plaintiff and defendant, in this document the petitioner was mentioned previous 15.07.2017 dated sale agreement between Plaintiff and defendant documents details in the 23.07.2018 dated registered sale agreement, due to that this document is very essential to prove his case, the said document was not filed at the time of filing the suit, hence the petitioner filed original documents along with this application. These documents are very essential to prove the plaintiff case and it has to be marked the plaintiff side Exhibits. The petitioner has got a very good case, if he will be permit to mark the documents annexed herewith, as otherwise, he will be put in very great loss and hardship and the petitioner may be permitted to mark the documents annexed along with this application and prays to allow the application.

**3. Brief averments of the counter filed by the respondent is as follows:**

This petition is not maintainable either in law or on facts. All the affidavit averments are denied except those that are admitted by the respondent herein. Nowhere in the affidavit the petitioner had stated the reason for the delay in filing the documents. Further the dates of document mentioned in the affidavit are different from the dates of the documents given in the list of documents in the petition. In the suit sale agreement dated 23.07.2018 it is not contained anything about the earlier documents. In the plaint document dated 23.07.2018 sale agreement the details of sale agreement dated 15.07.2017 is mentioned and it is very essential to prove the case etc., as false. The petition filed by the

petitioner is vexatious, frivolous, devoid of merits and it is liable to be dismissed.

4. The point for consideration in this petition is;

Whether the documents filed by the petitioner may be received or not after condoning the delay in filing the same?

**5. Point:**

The petitioner has stated that at the time of filing, he filed the plaint document 23.07.2018 dated registered sale agreement between Plaintiff and defendant, in this document the petitioner was mentioned previous 15.07.2017 dated sale agreement between Plaintiff and defendant documents details in the 23.07.2018 dated registered sale agreement, due to that this document is very essential to prove his case, the said document was not filed at the time of filing the suit, hence the petitioner filed original documents along with this application. These documents are very essential to prove the plaintiff case and it has to be marked the plaintiff side Exhibits.

But the respondent denied the allegations and stated that nowhere in the affidavit the petitioner had stated the reason for the delay in filing the documents. Further the dates of document mentioned in the affidavit are different from the dates of the documents given in the list of documents in the petition. In the suit sale agreement dated 23.07.2018 it is not contained anything about the earlier documents. In the plaint document dated 23.07.2018 sale agreement the details of sale agreement dated 15.07.2017 is mentioned and it is very essential to prove the case etc., as false. The petition filed by the petitioner

is vexatious, frivolous, devoid of merits and it is liable to be dismissed.

Even though the respondent stated that the petitioner has not stated the reasons for not filing the documents but not made any serious objections for receiving the documents and for condoning the delay in filing the same. In order to avoid multiplicity of proceedings and to avoid further delay in taking the evidence the petitioner may be given one more opportunity to establish their case with substantial evidence and no prejudice will be caused to the respondent if the documents were received. The proof and relevancy of the documents can be decided at the time of marking the documents. The point to be considered in this petition is whether the documents can be received after condoning the delay in filing the same. Since the respondent has not made any serious objection for receiving the documents the present petition may be allowed and the documents can be received subject to the proof and relevancy.

In the result, this petition is allowed. No cost.

Dictated to steno typist, typed by her directly, corrected and pronounced by me in open court, this the 22<sup>nd</sup> day of February 2024.

**Additional District Judge(FTC)  
Vellore.**

**Both side witnesses and Exhibits:**

NIL

**ADJ(FTC),  
Vellore.**

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

PRESENT: Tmt.P.Revathy, M.A.,M.L.,  
Additional District Judge(FTC),Vellore.

Dated this the 22<sup>nd</sup> day of February 2024, Thursday.

I.A.No.3/2023  
O.S.NO.46/2020

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Mahesh Kumar, aged 35 years, S/o.Inderchand jain, Hindu, residing at No.321/1,  
South Avenue Road, Phase-II, Sathuvachari, Vellore – 632 009.

..Petitioner/Plaintiff

//Vs//

John Ravichandran, aged 42 years, S/o.Thomas, Hindu, residing at Kalathamedu  
Street, Melmanuvar, Vellore Taluk and District.

..Respondent/Defendant.

Petition filed by the petitioner under Or. 7 Rule 14 of CPC, prays to  
condone the delay for filing documents and permit the petitioner to mark the  
same in Plaintiff's side.

This petition is coming before me on 21.02.2024 for final hearing in the  
presence of Thiru.G.Ravi and Thiru.G.Sivakumar, Counsels for the petitioner  
and of Thiru.T.S.Kannaiyan and Tmt.C.Padmaja, counsels for the respondent  
and upon hearing the arguments of both sides and upon perusing the entire case  
records and having stood over for consideration, till this date this court doth  
order and decreetal order as follows:-

**DECREETAL ORDER**

1. That the petition be and the same is hereby allowed;
2. That there is no cost.

Given under my hand and the seal of this court, on this the 22<sup>nd</sup> day of  
February 2024.

**Additional District Judge(FTC),  
Vellore.**

