

**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.**

**Thursday, the 6th day of March, 2025**

**I.A. No.4/2025 in O.S. No.46/2020**

Mahesh Kumar . . . Petitioner/Plaintiff

Versus

John Ravichandran . . . Respondent/Defendant

This petition came up before me for final hearing on 05.03.2025, in the presence of Tvl.G.Ravi and G.Sivakumar, Counsel for the Petitioner/Plaintiff and M/s.T.S.Kannaiyan, C.Padmaja, D.Tamilselvi and K.V.Varunkumar, Counsel for the 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 Section 151 of C.P.C. to receive the additional proof affidavit of P.W.1 and mark the documents as plaintiff's side Exhibits.

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

2.1 The petitioner is the plaintiff in the main suit filed for specific performance. At the time of filing, the petitioner failed to mention the

previous sale agreement dated 15.07.2017 between the plaintiff and the defendant and the Registered sale agreement dated 23.07.2018 which are very essential to prove his case. The petitioner filed an application for condone the delay of filing documents which was numbered as I.A. No.3/2023 and was allowed on 22.02.2024, hence the petitioner now filed this application to receive the additional Proof Affidavit of P.W.1 and mark the above said documents as plaintiff's side exhibits. The plaintiff has got a very good case, if the petitioner will be permitted to receive the plaintiff's P.W.1 additional proof affidavit and mark the documents, as otherwise, he will be put in very great loss and hardship. Hence, it is prayed to receive the additional proof affidavit of P.W.1 and mark the documents as plaintiff's side exhibits.

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

The petition is not maintainable either in law or in facts of the case. It is stated that in the suit sale agreement dated 23.07.2018 it is not contained anything about the earlier documents. Hence, it is prayed to dismiss the petition with cost.

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?***

**6. Point:-**

6.1 It is observed from the materials that the petitioner herein had filed suit for specific performance, the respondent herein filed written statement and after framing issues trial was ordered by this court. Subsequently, the plaintiff filed his chief proof affidavit and the same was recorded as his chief examination and thereafter the case was posted for examination of P.W.1. Subsequently, an application in I.A. No.3/2023 was filed to receive additional documents and the same was allowed on 22.02.2024. Again the case was posted for cross examination of P.W.1. While being so, the plaintiff filed additional chief proof affidavit with the request to mark the documents filed subsequently as per order in I.A. No.3/2023. Again the plaintiff filed this application to receive additional proof affidavit in addition to the proof affidavit filed by him with request to record his chief examination and also permit him to mark the additional documents filed by him. This petition has been refuted by the respondent.

6.2 The petitioner was examined in chief on 22.08.2023 and Ex-A1 to Ex-A3 were marked. Subsequently, the said petition in I.A. No.3/2023 was allowed on 22.02.2024 and two more documents were received in addition to the documents already filed along with the plaint. Now the petitioner has filed an Agreement of Sale dated 15.03.2017 and another document which is Deed of Cancellation of Agreement. In order to substantiate the case of the

petitioner, the documents later on produced by the plaintiff is also necessary. For ends of justice, examination of P.W.1 for marking additional documents is necessary. The grounds of objections raised in the counter filed by the respondent does not have much force. The additional documents which are now relied upon by the petitioner are necessary for deciding the matter at issue. The genuineness, relevancy, admissibility, evidensary value, etc. of the documents shall be tried during trial and at the time of disposal of the suit and the respondent will have an opportunity to cross examine the witnesses with respect to the above documents and also advance arguments to that effect.

6.3 Considering the facts and circumstances of the case, this petition is allowed and the petitioner is permitted to file additional proof affidavit so as to mark the additional documents filed subsequent to suit as per order in I.A. No.3/2023. Accordingly this point is answered.

***In fine, this petition is allowed. No costs.***

Dictated to the Steno-Typist, transcribed by him, corrected and pronounced by me in the Open Court, on this the 6th 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.**