

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

PRESENT: Thiru.P.V.Sandilyan, M.L.,
Additional District Judge (FTC), Vellore.

Thursday, the 25th day of June, 2026

I.A. No.4/2026 in O.S.No.100/2022

1. Thamilarasi

2. G.Ammu Kamatchi . . . Petitioners/Plaintiffs

// Vs //

1. K.Senthil Raj

2. S.Lavanya . . . Respondents/Defendants 1 & 2

This petition came up before this court for final hearing on 18.06.2026, in the presence of Tmt.K.Anusuya, Counsel for the Petitioners and Thiru.S.Gunasekaran, Counsel for the Respondents and upon hearing the arguments of both sides, perusing 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 VII Rule 14(3) and Section 151 C.P.C. to receive and mark the additional documents on the side of petitioner in the main suit.

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

The second petitioner is the second plaintiff in the main suit. The petitioner and his mother had jointly filed the above suit for declaration of

our right, title and interest over the suit property and for consequential injunction. Declaration to declare the Fraudulent Patta obtained by the first defendant as null and void and for declaration to declare the settlement deed dated 05.10.2021 executed by the first defendant in favour of the second defendant as null and void also for permanent injunction restraining the defendants not to create any further encumbrances over the suit property.

The second petitioner is the daughter of Krishnamoorthy. The first petitioner / plaintiff is his mother, first defendant is his brother. The second defendant is the wife of the first defendant. The schedule mentioned properties were the absolute properties of his father, the first petitioner / plaintiff and first defendant's father late Krishnamoorthy by virtue of two registered settlement deeds from Mahalakshmi dated 20.09.2009. The said Mahalakshmi is the first wife of Late Krishnamoorthy and the first wife and her children settled at Kanchipuram.

The second petitioner's father got married to his first wife Mahalakshmi and out of their lawful wedlock, two children were born to them and they has settled at Kanchipuram and during the life time of Krishnamoorthy, he settled properties in their name and they are not at all in contact with the Krishnamoorthy and we are not at all having any dispute also. The second petitioner's elder brother namely K.Ezhil Mohanraj got married and settled in Vellore and at present he got settled and working in Abroad. Another brother namely K.Senthil Raj i.e., the first defendant

married the second defendant and after his marriage he also settled away for more than 15 years and living separately along with his wife i.e., the second defendant. During the life time of Krishnamorthy, out of love and affection, his father settled a property in the name of the first defendant and now the first defendant is successfully running a ITI individually and separately in the said property. The said Mahalakshmi and her sons and daughters have filed a suit to declare her as the wife of deceased Krishnamoorthy before the District Munsif, Kancheepuram in O.S.No.149 of 2023 and the said is dismissed for default. Since the second petitioner filed the present suit in the year 2022 itself, whereas the O.S.No.149 of 2023 was filed by Mahalakshmi was filed in 2023 and the plaint copy was served in the year 2023 to him, first petitioner / plaintiff and first defendant. In the said suit, the said Mahalakshmi has admitted various facts in support of our case. The plaint copy us self - sufficient to decide our case on merits. The petition mentioned document is a vital document, since trial is not commenced in the present case, admitting the above said document on our behalf will cause no prejudice to the respondents as they are having sufficient chances to cross examine in respect of the petition mentioned document. Hence pleaded to receive the plaint copy in O.S.No.149/2023 on the file of District Munsif, Kanchipuram, in the present case, and to mark as exhibit during the course of trial, otherwise he will be put in to great loss and hardship. Hence prays to allow this petition.

3. Brief averments of the counter filed by the first respondent and adopted by the second respondent is as follows:-

The petition filed by the petitioner is devoid of merits, lacks in banafied. The respondent denies the averments stated by the petitioners in the affidavit filed in support of the petition as they are false, baseless and self serving one. The plaintiffs in the plaint have not pleaded as to why they are not filing the original documents listed in the petition along with the plaint at the time of filing of the plaint and also the plaintiffs have not reserved their right to file the said documents at the time of trial.

The affidavit filed in support of the petition also have not pleaded as to why the original documents were not filed at time of filing of the plaint and what is the reason for filing the original documents at this juncture were also not pleaded. Hence prayed to dismiss the petition.

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 or not?***

6. Point:-

6.1 The petitioner filed this petition under Order VII Rule 14(3) and Section 151 C.P.C. to receive the petition mentioned additional documents. The petitioners are plaintiffs filed the suit for the relief of declaration of title and consequential injunction, declaration to declare the patta obtained by the first defendant as null and void and for declaration to declare the settlement

deed as null and void and permanent injunction.

6.2 The plaintiffs are mother and daughter. First defendant is son of the first plaintiff. The second defendant is the daughter in law of the first plaintiff. It is alleged that the first plaintiff is the second wife of late Krishnamoorthy. The facts of the petition is to receive additional document ie., copy of plaint in O.S. 149/2023 on the file of DMC, Kancheepuram.

6.3 The above said plaint was filed by the first wife of late Krishnamoorthy and the first petitioner needs to produce the document in support of their contention to strengthen the plaintiff case for the reason in the above suit the first wife admitted various facts in support of the petitioners case.

6.4 The respondent objected in their counter para 4 and 5 as the petitioners have not pleaded the facts in the plaint, they have not reserved their right to file the alleged documents, the reason for filing the documents they also not pleaded and prayed to dismiss it which cannot be sustainable for the reason the Amendment Act 2002, substituted sub class 3 of Rule 14 of order VII. The amendment introduced in the year of 2002 by inserting subclass 3 for Rule 14 of order VII give a power to the plaintiff to produce the document after filing of the plaint and the court may accept to receive the document for genuine reason. The document filed belatedly by the plaintiff could be received in to evidence with the leave of the court, the main objective and reasons for adding sub class 3 of Rule 14 is to avoid delay.

6.5 Considering the powers to be exercised by this court in genuine cases this court grant leave to the plaintiff to produce additional document i.e., the plaint copy. Even if the petition is allowed there would be prejudice caused to the respondent, the petition mentioned document can be challenged by way of cross examination by the respondent.

In the result, this petition is allowed, the petition mentioned document is ordered to be received in to evidence subject to proof, relevancy and admissibility. There shall be no order as to costs.

Dictated to Steno-Typist, typed by her directly, corrected and pronounced by me in the open Court this the 25th day of June, 2026.

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

Both side Witnesses and Exhibits:- - NIL -

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