

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 19th day of January 2023, Thursday

I.A.NO.1/2022 in
O.S.NO.100/2020

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M.Venkatesan

.. Petitioner/Plaintiff

//Vs//

V.Sooriyakumar

..Respondent/Defendant

This petition came up before me on 12.01.2023 for final hearing in the presence of Thiru.R.J.Mohan, Counsel for the petitioner and of Thiru.S.Gunasekaran and Thiru.G.Vijayabaskar, 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(3) of CPC prays to receive the Additional document and the same has to be marked as Exhibit on the side of the petitioner.

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

The Petitioner herein is the Plaintiff in the above suit. The petitioner filed the suit for recovery of money from the respondent. The

Petitioner already marked 9 exhibits on his side and his Income Tax returns filed to the Income Tax department for the assessment year 2020-2021 is necessary to prove the transaction with the respondent/defendant. The petitioner got the acknowledgment of Income Tax returns now only from his auditor and the same has to be marked as exhibits on his side. The income tax return acknowledgment for the assessment year 2021-2022 for the accounting year ended on 31.03.2021 is to be received as additional documents. Hence the petitioner filed this petition 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. The alleged pronotes based on which the petitioner has filed this suit is dated 20.08.2018, 05.11.2018, 25.04.2019, 10.06.2019 and 15.11.2019. But the petitioner herein has filed the above petition praying the leave of this court to condone the delay in filing the alleged Income Tax return for the period 2020-2021 is not maintainable as the same is not pertaining to the period of the alleged suit pronotes and the same is after the institution of this suit and the same clearly shows that it is a prepared document to suit the convenience of the petitioner and the petitioner has not stated any reason in the affidavit for the delay in filing

the same on this aspect this petition is liable to be dismissed.

4. The point for consideration in this petition is;

Whether the petition is to be allowed or not?

5. Point:

The petitioner stated that he filed the suit for recovery of money from the respondent. The Petitioner already marked 9 exhibits on his side and his Income Tax returns filed to the Income Tax department for the assessment year 2020-2021 is necessary to prove the transaction with the respondent/defendant. The petitioner got the acknowledgment of Income Tax returns now only from his auditor and the same has to be marked as exhibits on his side. The income tax return acknowledgment for the assessment year 2021-2022 for the accounting year ended on 31.03.2021 is to be received as additional documents.

But the respondent denied the allegations and stated that the alleged pronotes based on which the petitioner has filed this suit is dated 20.08.2018, 05.11.2018, 25.04.2019, 10.06.2019 and 15.11.2019. But the petitioner herein has filed the above petition praying the leave of this court to condone the delay in filing the alleged Income Tax return for the period 2020-2021 is not maintainable as the same is not pertaining to the period of the alleged suit pronotes and the same is after the institution of this suit and the same clearly shows that it is a prepared document to suit the convenience of the petitioner and the petitioner has not stated any reason

in the affidavit for the delay in filing the same on this aspect this petition is liable to be dismissed.

Even though the respondent stated that the income tax returns now sought to be marked are not pertaining to the period of the alleged suit pronotes and the same is after the institution of this suit but not made any serious objections for marking the said documents. The point to be considered in this petition is whether the documents can be received or not. The proof and relevancy of the document can be decided only at the time of marking the document. Since the respondent has not made any serious objections for receiving the document, the document can be received subject to proof and relevancy. Hence in the interest of justice and in order to avoid further delay, the present petition may be allowed.

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

Dictated to steno typist directly, typed by her, corrected and pronounced by me in open court, this the 19th day of January 2023.

**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 19th day of January 2023, Thursday

I.A.NO.1/2022 in
O.S.NO.100/2020

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M.Venkatesan, aged 59 years, S/o.Late.Kari Muniayya Naidu, Hindu, residing at
Senji Village and Post, Via Latheri, K.V.Kuppam Taluk – 632 202.

.. Petitioner/Plaintiff

//Vs//

V.Sooriyakumar, aged 38 years, S/o.Venkatesan Mandiri, Hindu, residing at
Aayakulam Village, Senji Post, K.V.Kuppam Taluk, Vellore District.

..Respondent/Defendant

Petition filed by the petitioner under Or.7, Rule 14(3) of CPC prays to
receive the Additional document and the same has to be marked as Exhibit on
the side of the petitioner.

This petition cameup before me on 12.01.2023 for final hearing in the
presence of Thiru.R.J.Mohan, Counsel for the petitioner and of
Thiru.S.Gunasekaran and Thiru.G.Vijayabaskar, 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 19th day of
January 2023.

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