

IN THE COURT OF ADDITIONAL DISTRICT JUDGE, VIRUDHUNAGAR

**Present : Tmt.S.K.ANGALAESWARI, B.A., B.L.,
ADDITIONAL DISTRICT JUDGE,
VIRUDHUNAGAR.**

Tuesday, the 23rd day of June, 2026

**I.A .No.02/2026
in
OS.No.03/2024**

1. V.Subbulakshmi
2. V.Perumalsamy
3. V.Rajalakshmi
4. V.Thirumal
5. V.Seenivasan

... Petitioners/Plaintiffs

Vs

1. L.Pushpam
2. The District Collector,
Virudhunagar District – 626 002.
3. The Revenue Divisional Officer,
Sattur – 626 203.
4. The Revenue Tahsildar,
Virudhunagar.
5. The Village Administrative Officer,
Thathampatti Village,
Virudhunagar Taluk,
Virudhunagar District – 626 003.

... Respondents/Defendants

This petition came up before me on 10.06.2026 for final hearing in the presence of Thiru.J.Raguraman, learned advocate for the Petitioners and Thiru.K.V.Ravindran, learned advocate for the 1st Respondent and Respondents 2 to 5 remained set exparte and upon considering all material records in this case

and having stood over till this day for my consideration, this court deliver the following :

ORDER

This Petition is filed by the Petitioner/Plaintiff under order VII Rule 14 (3) and section 151 of CPC to permit the documents mentioned in the petition as additional documents by the petitioners.

2) The averments of the Petition affidavit in brief are as follows:

The 2nd petitioner is the 2nd plaintiff in the original suit. The 1st petitioner is the mother of the 2nd petitioner. Petitioners 3, 4, and 5 are the siblings of the 2nd petitioner; the 2nd petitioner has filed this affidavit on their behalf as well. The Original Suit has been filed seeking a declaration that the suit property belongs exclusively to the petitioners; a permanent injunction restraining the 1st defendant and his agents from causing any hindrance or disturbance to the petitioners' peaceful possession and enjoyment of the suit property; a permanent injunction restraining the 1st defendant and his heirs from creating encumbrances on or selling the suit property; a declaration that the Patta numbers 169 and 277 obtained by the 1st defendant through the creation of fraudulent documents are null and void; and for other reliefs.

The suit is posted for evidence on behalf of the petitioners. At the time the original suit was filed, documents numbered 1 to 12 were submitted along with the plaint. Subsequently, as the petitioners' counsel requested the production of any further case-related documents in their possession for the purpose of evidence, the 2nd petitioner retrieved the documents listed in the accompanying petition from his home and presented him to the counsel. The counsel advised that these documents are crucial for substantiating the

petitioners' suit and that the petitioners would only be able to prove their position if these documents were marked as additional evidence.

This petition has been filed seeking permission for the petitioners to mark the documents as exhibits without any further delay. The failure to submit these documents to the Court at the time of filing the original suit was not intentional; rather, it was due to circumstances beyond their control. As these documents are crucial for substantiating the petitioners' suit, it is essential that they be permitted to mark them as additional exhibits. Failure to do so would leave the petitioners with no means to prove their case, resulting in significant hardship and loss. The respondents have no valid grounds to object to the allowance of this petition. This petition merits allowance in accordance with both law and equity. Hence this petition.

3) The averments of the Counter affidavit filed by 1st Respondent in brief are as follows:

The Petition filed by the Petitioner is frivolous, vexatious, misleading and ill motivated and is neither maintainable in law nor on facts. The Petition ought to have been dismissed in limine. Save such of those allegations that are herein expressly admitted all other allegations are denied as absolute false and fraudulent. The Petitioner is put to strict proof of the same. The allegations in the affidavit filed in support of the petition that the petition mentioned document could not be traced out earlier are denied as incorrect. The petitioners are put to strict proof of the same. Further, the petitioners have not pleaded about the alleged document in their plaint and hence it is settled law that no piece of evidence could be considered without pleadings. Further the act of the petitioners in not disclosing about the alleged documents in their plaint would be fatal to their case. The petitioners have come forward with this application just to drag on the proceeding and thereby prevent this respondent from enjoying the

fruits of justice. Therefore the petitioners are not at all entitled to any relief prayed for by them, they cannot come forward with this application. The petitioners knowing well that they are not having any valid defense in the main suit had wantonly come forward with this application just with an ill-motivation to put this respondent to hardship. The petitioners are not at all entitled to the relief prayed for. Hence this petition should be dismissed with the costs of the 1st Respondent.

4. Points for consideration:

Whether this petition is to be allowed or not?

5. On Points :

i) Heard both side. Petition affidavit and counter affidavit filed by the Petitioners and 1st Respondent and available case records in this case were perused.

ii) For the sake of convenience the parties are arrayed as per their rank in the suit.

5.1) It is the case of the plaintiffs that they filed a suit for declaration and injunction against Defendants 1 to 5. While the suit posted for trial they found some documents to support their case. The failure to produce all those documents was accidental one and not intentional. They came to know that some of material documents were found after their due diligent search and those such documents are very much essential in order to prove their case. Hence the contention of the defendants that this application to receive additional documents of plaintiff side is just and necessary to the suit proceeding.

5.2) On contrary to the above said submission the contention of the defendants that the plaintiffs have not pleaded about the alleged documents in their plaint and hence it is settled law that no piece of evidence could be

considered without pleadings. The act of the petitioners in not disclosing about the alleged documents in their plaint would fatal to their case. The petitioners have come forward with this application just to drag the proceeding and thereby prevent this respondent from enjoying the fruits of decree.

5.3) By considering the overall facts and the circumstances of this case and by perusing the records this court finds that before going to the merit of the application it is just and necessary to extract the law namely Order 7 Rule 14 of CPC hereunder for better reference,

14. Production of document on which plaintiff sues.

(1) Where a plaintiff sues upon a document in his possession or power, he shall produce it in Court when the plaint is presented, and shall at the same time deliver the document or a copy thereof to be filed with the plaint.

(2) List of other documents— Where he relies on any other documents (whether in his possession or power or not) as evidence in support of his claim, he shall enter such documents in a list to be added or annexed to the plaint.

(1) Production of document on which plaintiff sues or relies. - (1) Where a plaintiff sues upon a document or relies upon document in his possession or power in support of his claim, he shall enter such documents in a list, and shall produce it in Court when the plaint is presented by him and shall, at the same time deliver the document and a copy thereof, to be filed with the plaint.

(2) Where any such document is not in the possession or power of the

plaintiff, he shall, where possible, state in whose possession or power it is.

(3) A document which ought to be produced in Court by the plaintiff when the plaint is presented or to be entered in the list to be added or annexed to the plaint but is not produced or entered accordingly, shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit.

(4) Nothing in this rule shall apply to document produced for the cross-examination of the plaintiff's witnesses, or, handed over to a witness merely to refresh his memory.

5.4) It is pertinent to note here that a plain reading of Order 7 Rule 14 (3) makes it clear that a document which ought to be produced in Court by the plaintiff when the plaint is presented, or to be entered in the list to be added or annexed to the plaint but is not produced or entered accordingly, shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit. Here just an necessary referred to the decision of the Supreme Court in the case of Salem Advocate Bar Association, Tamil Nadu v. Union of India. With reference to paragraph 13 thereof, the Court may permit leading of such evidence even at a later stage subject to any terms that may be imposed upon by the Court which may be just and proper.

5.5) It is not the case of the plaintiffs that those documents were not in his possession at the time of filing of the suit. It is a settled proposition of the law that Sub Rule (3) to Rule 14 Order 7 which stands introduced to the Court with effect from 01.07.2002 also makes it clear that the legislative intendment is that, ordinarily except in special and exceptional circumstances, the Court shall not be allowed to be introduced into the evidence, any document which the plaintiff

while presenting the plaint ought to have delivered to the Court along with a copy thereof, and which document the plaintiff ought to have entered into the list to be added or annexed to the plaint.

5.6) In the light of the above said provision this court finds that no document could be produced at any subsequent stage of the proceeding unless good cause is shown to the satisfaction of the court and the court recording the reasons for receiving any such evidence obviously the object of this provision is to avoid delay.

5.7) A plain reading of Order 7 Rule 14 CPC makes it clear that plaintiff has to present the relevant documents with the plaint. Subsequently, such documents cannot be presented without the leave of the court. The provision thus creates a bar on production of additional documents if the same have not been mentioned in the list of documents annexed to the plaint and produced at the time of filing the same, unless the leave of the court is sought.

5.8) In the instant case the application have been filed to receive the documents under Order 7 Rule 14. A document which ought to be produced in the court by the plaintiffs under this rule with the leave of this court.

5.9) By considering the overall facts and the circumstances of this case and by perusing the records this court finds that the on behalf of plaintiffs side some documents were produced before this court while filing the case. Subsequently while diligent search plaintiff found out some documents were mingle with other records and found out by the plaintiff. Hence the reason for non-production of document is neither wilful nor wanton. Therefore a fair opportunity has given to plaintiffs side. As per merit of this case as discussed above this application is deserve to be allowed.

5.10) In the result, this petition is allowed without cost.

Dictated to the steno-typist, directly typed by her in the computer, corrected and pronounced by me in open court, on this the 23rd day of June, 2026.

Additional District Judge,
Virudhunagar.

Witness on the side of the Petitioners:

Nil

Exhibits on the side of the Petitioners:

Nil

Witness on the side of the Respondents:

Nil

Exhibits on the side of the Respondents:

Nil

Additional District Judge,
Virudhunagar.