

IN THE COURT OF ADDITIONAL DISTRICT JUDGE, VIRUDHUNAGAR

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

Saturday, the 25th day of October, 2025

I.A.No.02/2025
in
OS.No.272/2023

1. G.Ramamoorthy
2. R.Vijaya
3. R.Sathyapriya
4. R.Karthikeyan

... Petitioners/Plaintiffs

Vs

1. R.V.Santha
2. V.Mahendhran
3. V.Nithya
4. P.Veerasingam

... Respondents/Defendants

This petition came up before me on 08.10.2025 for final hearing in the presence of Thiru.J.Raguraman, learned advocate for the Petitioners and Thiru.N.Surendran, learned advocate for the Respondents 1 to 3 and 4th Respondent remained ex parte 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 1st petitioner is the 1st plaintiff in the Original Suit. He was filing this affidavit on behalf of 2 to 4 petitioners as well. The Original Suit is filed by the petitioners for Partition and Declaration. The Original suit is posted for cross examination of 1st petitioner on the side of defendants. On 06.03.2025, on the side petitioner filed Proof Affidavit and documents 1 to 16 have been marked on behalf of him. Out of this, he had filed the copy of the Sale deed document No. 292/2011, which was executed to the 1st defendant and 4th defendant on 31.01.2011, along with the suit. The court, knowing that he had mistakenly written his name on the front page of the above document, said that it was not a copy of the Sub Registrar and that it was a Xerox and therefore could not be marked. Therefore, he left the above document alone and marked the other documents. The above mistake was not intentional. Since he have sought a remedy based on the above document, he can be proved his party if the above document is marked by the court. His lawyer has given him legal advice. Therefore, he have filed a fresh application with the Sub Registrar copy of the above Sale deed. He have also filed an application seeking permission to recall him and to record the above document on behalf of him. He have filed this petition because the above document can be registered only in the trial court. Otherwise, his party will suffer immense hardship and loss without any reason. There is no possibility for the respondents/defendants to have any reasonable objection to the granting of this petition. Hence this petition.

3) **The averments of the Counter affidavit filed by 1st and 2nd Respondents the same was adopted by 3rd Respondent in brief are as follows:**

The averments made in the petition are false and fictitious one. The petitioner must prove them. In fact, these plaintiffs do not have any reasonable party in the original suit. Due to this, while filing the original suit, the plaintiff

has not filed the document mentioned in the petition and has filed it now with the intention of disruption the defendant. When the plaintiff filed the original suit, the 1st defendant filed a copy of the sale deed dated 31.01.2011 to the 4th defendant, but deliberately concealed the first page and filed a copy of the said document. The plaintiff filed the original of the said copy of the document filed by the court, the truth of the case will be known to the court. The details of the sale deed executed by the 1st defendant to the 4th defendant were known to the petitioner/plaintiff at the time the said Sale deed were executed. Therefore, at that time he obtained the Sub Registrar copy of the above document and, on the grounds that it might be detrimental to him under the Limitation Act, he has filed it in the court hiding the first page. Now, after considering it, the document which the petitioner is filing after obtaining a fresh Sub Registrar copy is a document which is fraudulently obtained and filed in the case. They are not admissible in law. The document which the petitioner is now filing is a document which was produced by the petitioner for the purpose of the suit. Hence the petition should be dismissed with the cost of Respondents.

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 parties and available records 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 plaintiffs that they filed a suit for partition and declaration injunction against Defendants 1 to 4. While the case was posted for Chief examination of plaintiffs on 06.03.2025 a Sale deed vide document

no.292/2011 dated 31.01.2011 executed by 1st defendant to 4th defendant was not marked on behalf of plaintiffs for the reason that the name of the 1st plaintiff wrote in the top of the above document. The court not marked the document and stated that it was xerox. But the plaintiffs contention that it was a certified copy only not a xerox copy. Therefore the plaintiffs prayer before this court that to recall of PW1 and marking of the above said document as their side Exhibit.

5.2) On contrary to the above said submission the contention of the defendants that the plaintiffs wantonly not filed the certified copy of the Sale deed 31.01.2011 before this court. Moreover the plaintiffs with evil intention to prolong the proceedings against the defendants. Hence they objected the above application.

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 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 this court finds that the on behalf of plaintiffs side a certified copy of sale deed dated 31.01.2011 was produced before this court. But the reason for believing certified copy as xerox copy is not found out. Therefore a fair opportunity has given to plaintiffs side. The merit of this petition 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 25th day of October 2025.

Additional District Judge,
Virudhunagar.

Witness and Exhibits on the side of the Petitioners: Nil
Witness and Exhibits on the side of the Respondents: Nil

Additional District Judge,
Virudhunagar.