



A No. 5608 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-01-2026

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THE HONOURABLE DR.JUSTICE R.N.MANJULA

A No. 5608 of 2025

AND

**A NO. 5610 OF 2025, A NO. 5609 OF 2025
in CS NO. 880 OF 1999**

1. M/s.M.M.T.C. Ltd
rep.by Sr. General Manager, Chennai
House, No.7, Esplanade, Chennai - 600
108.

Applicant(s)

Vs

1. M/s.Sea Snacks Exports
REP.BY ITS MANAGING DIRECTOR
MR.MOHAMMED AZHAR, 90, iii st,
Karpagam Avenue, Chennai - 600 028.

2.Mohammed Azhar
90, III Street, Karpagam Avenue,
Chennai - 28

3.Roy Verghese
90.III Street, Karpagam Avenue,
Chennai-28.

4.K.Vinayagam
S/o.Kathavarayan, J-4,
Venkatazalapathi Street, Wallajah

5.K.Ranganathan
S/o.Kathavarayan, J-4,
Venkatazalapathi Street, Wallajah

6.K.anandan
S/o.Kathavarayan, J-4,
Venkatazalapathi Street, Wallajah

7.K.Arumugam



(MINOR) S/o.Kathavarayan, J-4,
Venkatazalapathi Street, Wallajah

8.A.Kuppuswami

S/o.Annamalai Gounder, Bhagavei
Village, Wallajah

9.Mrs.M.H.Mohammed Junaith
Fathima

No.88, Saravanaperumal Mudali
Street, 1st Lane, Purasawakkam,
Chennai -84

10.Mr.Halith Sultan

/o.Late A.P.M.Mohammed Hussein
Abdul Khader, No.28/2, Poonappa
Mudali Street, Purasawakkam, Chennai
-07. (Name of 10th and 11th
Defendants amended as per order
dt-18.03.2022 in A.No.1199/22 and
time extended as per order
dt-31.03.2022).

11.Mr.Raziq Ali

S/o.Late A.P.M.Mohammed Hussain
Abdul Khader, No.88, Saravana
Perumal Street, Purasawalkam, Ch-86

12.Mrs.Mohammed Nusrath Shifa

S/o.Mohamed Sultan, S/o.Late
A.P.M.Mohammed Hussain Abdul
Khader, No.17/201, South Street,
Kilkarai, Ramanathapuram District.

13.Mrs.Ahamed Sabrin Himaya

W/o.Ahamed Sadiq Fahmin, S/o.Late
A.P.M.Mohammed Hussain Abdul
Khader, No.17/201 South Street,
Kilkarai, Ramanathapuram District,
(amended As Per Order Dt. 14.03.2023
In Appl.No.4670/22)

Respondent(s)



A No. 5610 of 2025

1. M/s.M.M.T.C. Ltd
rep.by Deputy General Manager,
Chennai House, No.7, Esplanade,
Chennai - 600 108.

Applicant(s)

Vs

1. M/s.Sea Snacks Exports
REP.BY ITS MANAGING DIRECTOR
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Karpagam Avenue, Chennai - 600 028.

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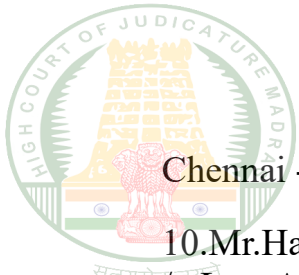
5.K.Ranganathan
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Kilkarai, Ramanathapuram District,
(amended As Per Order Dt. 14.03.2023
In Appl.No.4670/22)

Respondent(s)

A No. 5609 of 2025

1. M/s.M.M.T.C. Ltd

rep.by Deputy General Manager,
Chennai House, No.7, Esplanade,
Chennai - 600 108.

Applicant(s)

Vs

1. M/s.Sea Snacks Exports

REP.BY ITS MANAGING DIRECTOR
MR.MOHAMMED AZHAR, 90, iii st,
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Kilkarai, Ramanathapuram District,
(amended As Per Order Dt. 14.03.2023
In Appl.No.4670/22)

Respondent(s)

A No. 5608 of 2025

PRAYER: Application is filed to Re-open the PW1 evidence in C.S.No.880 of 1999.

A No. 5610 of 2025

PRAYER: Application is filed to permit the Applicant/Plaintiff to file additional documents in C.S.No.880 of 1999.

A No. 5609 of 2025

PRAYER: Application is filed to Recall the PW1 in C.S.No.880 of 1999.



In all applications:

For Applicant(s): M/s.P.S.Sivasubramaniam

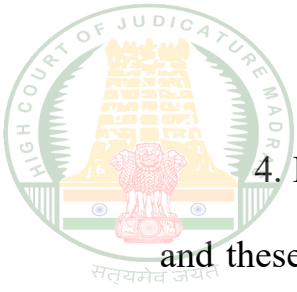
For Respondents: Mr.R.V.R.Deenadayalan
for R9 to R13

COMMON ORDER

The applicant is the plaintiff who has filed the suit for recovery of money on the basis of mortgage by deposit of title deeds created by D4 to D9 for the loan availed by D1 to D3. The applications have been filed to receive the additional documents, to reopen and to recall P.W.1 for adducing further evidence.

2. The learned counsel for the applicant / plaintiff submitted that these documents now sought to be produced by the applicant have got tagged with the other suits filed by the plaintiff's company and due to change of offices, it was not possible to trace them at the time when the suit was filed. As the plaintiff did not have any *mala fide* intention for not producing these documents and he has come forward to produce these documents now, it is requested that one last opportunity should be given to the plaintiff to call himself and adduce further evidence on the basis of the documents now filed.

3. The learned counsel for D9 to D13 (legal heirs of deceased D4) has vehemently objected to the applications filed by the applicant.



4. It should be noted that the rest of the defendants have been set *ex parte* and these defendants are the only contesting defendants. It is submitted by the learned counsel for D9 to D13 that these applications have been filed at a very belated stage in the suit which has been filed as early as in the year 1999. The specific defense taken by the defendants D1 to D3 is that they have not deposited any title deeds as claimed by the plaintiff and the plaintiff has not explained properly about the delay in producing these documents at this belated stage.

5. On a perusal of the records, it is seen that the defendants have raised the defense that no mortgage by deposited title deeds have been created by D4 for the loan availed by D1 to D3. In such case, the plaintiff has got the obligation to prove before the Court that the mortgage was true and that it has been effected by getting the deposit of title deeds from D4.

6. On perusal of the documents sought to be produced now, it is seen that there are certain original title deeds of the other defendants. Since these documents are in the custody of the plaintiff and he could trace it now, denying him the opportunity to produce these documents as evidence, would certainly affect his very case filed for the claim of mortgage. No doubt, the evidence has been completed and the matter stands posted for arguments. The plaintiff was very careless for all these years without taking any effort to trace the documents



even though the officers of the plaintiff's company have changed from time to time.

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7. It seems that the plaintiff has taken all serious steps to trace the documents only after the matter has reached the stage of arguments. As the suit has been pending for 25 years, no doubt, this re-exercise of calling P.W.1 once again and allowing him to adduce evidence, will definitely cause hardship to the defendants. Denying this opportunity to the plaintiff would only deprive him to prove the basis of the case. Hence, in the interest of justice, I feel these applications can be allowed on terms. The contesting defendants are at liberty to file their additional written statement in the above suit.

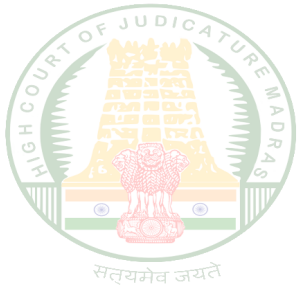
8. In the result, these applications are allowed on condition that the applicant shall pay a sum of Rs.5,000/- to the respondents as costs, on or before 19.01.2026.

9. List the matter on 20.01.2026.

07-01-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

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R.N.MANJULA J.

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in CS NO. 880 OF 1999**

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