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A.Nos.72, 74, 1264 and 1265 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15 .04.2025

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THE HONOURABLE MR JUSTICE A.A.NAKKIRAN

A.Nos.1264 and 1265 of 2024 &

A.Nos.72 and 74 of 2024

in

TOS.Nos.39 and 40 of 2021

1. K. Chakrapani
2. K. Lokesh

.. Applicants in all applications

Vs

K. Janaki

.. Respondent in all applications

Prayer in A Nos. 72 and 74 of 2024: Applications filed under Order XIV, Rule 8 of O.S.Rules read with Order VII, Rule 14(3) of CPC praying to condone the delay of 184 days delay in filing the original documents in TOS.No.39 of 2021 and the xerox copies of the same in TOS.No.40 of 2021 mentioned in the List of Documents annexed to the applications.

Prayer in A Nos. 1264 and 1265 of 2024: Applications filed under Order XIV, Rule 8 of O.S.Rules read with Order VII, Rule 14(3) of CPC praying to grant leave to produce the documents mentioned in the list of documents annexed to the applications.



A.Nos.72, 74, 1264 and 1265 of 2024

For Applicants in all applications : Mr. R. Tholgappian

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For Respondents in all applications : Mr.R. Amardeep
for M/s. Tamizh Law Firm
for R1, R5, R7, R9 and R10
Mr. R. Radha Pandian
for R4 and R11

ORDER

These applications have been filed for seeking the above reliefs.

2. Learned counsel for the applicants/plaintiffs submitted that when the A.Nos.72 and 74 of 2024 came up for hearing on 27.02.2024, the respondents raised the objection contending that the appropriate relief should have been in the form of leave to produce documents and not as one for condonation of delay, this Court adjourned the applications to 5.3.2024 so as to enable the applicant to file fresh applications seeking leave to produce documents and to bring them for hearing along with the above applications. Accordingly, the applicants filed A.Nos.1264 and 1265 of 2024 seeking leave of this court to produce the additional documents.



A.Nos.72, 74, 1264 and 1265 of 2024

3. He further submitted that a suit in O.S.No.145 of 2013 has

been filed by the Testator during his life time in respect of property referred in written statement. The applicant managed to get the case papers from the concerned counsel only on 13.12.2023 and the counsel supplied the newspaper reports of land grabbing by the defendants relating to the said property in the said suit on 15.12.2023 along with other documents. The applicant also applied for the documents registered by the defendants in the said suit and obtained the same on 3.12.2023. Since the documents now sought to be filed were not in his possession earlier and the same became available to him only on 15.12.2023 and due to the aforesaid inevitable reasons, the applicant was unable to file the documents in time. These documents are vital and relevant to discharge the burden cast upon the applicants as propounder of the Wills and necessary for adjudication of the issues arising for consideration in the suit. Hence, the delay is neither wilful nor wanton, but due to the bonafide reason as stated above. Thus he prayed for granting leave of this court to produce additional documents mentioned in the list of documents annexed to the applications.



A.Nos.72, 74, 1264 and 1265 of 2024

5. Refuting the same, the learned counsel for the respondents submitted

that whenever a plaintiff relies a document in support of his claim, he shall enter such documents in a list and shall produce it in court along with plaint and if such document is not in his possession, he shall state in whose possession the document is and such documents ought not to be received as evidence on his behalf without the leave of this Court. The applicant herein has failed to show the reasons for non compliance of Rule 14 of Order 7 and Rule 1 of Order 13 of CPC. The plaintiffs have miserably failed to show sufficient cause for the delay and there is no plausible explanation is put forth for non production of documents on time or at the earliest possible stage of the case. As the applicants have failed to state the reasons because of which, they could not produce the documents on time, the present applications are liable to be dismissed.

6. Heard Mr. R. Tholgappian, appearing for the applicants/plaintiffs and Mr.R.Amardeep, for M/s.Tamizh Law Firm appearing for the respondents.



A.Nos.72, 74, 1264 and 1265 of 2024

7. Having considered the facts and circumstances of the case and

also having satisfied with the reasons stated in the affidavit, this Court is inclined to grant leave to file additional documents as prayed in A. No.1264 and 1265 of 2024. Accordingly, the A.Nos. 1264 and 1265 of 2024 are allowed. Since the leave granted in the aforesaid applications, the condone delay applications in A. No.72 and 74 of 2024 stand closed.

15.04.2025

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A.Nos.72, 74, 1264 and 1265 of 2024

A.A.NAKKIRAN, J.

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**Pre-Delivery Order made in
A.Nos.1264 and 1265 of 2024 &
A.Nos.72 and 74 of 2024
in
TOS.Nos.39 and 40 of 2021**

15.04.2025