



A.No.1338 of 2025 in C.S No.462 of 2013



A.A.NAKKIRAN, J.

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This application has been filed by the applicants/defendants 1, 3, and 9 to grant leave to file the document as mentioned in the Judge's summons as additional document on the side of the defendants 1, 3 and 9.

2. Heard both side.

3. The learned counsel for the applicants/defendants 1, 3 and 9 submitted that the 8th and 9th respondents herein had filed a suit in O.S No.3724 of 2012 before the City Civil Court, Chennai seeking for a permanent injunction relating to the suit property herein and the said suit was dismissed on 30.08.2013. Thereafter, the 8th and 9th respondents herein after an inordinate delay filed I.A No.1 of 2022 to condone the delay of 2373 days in filing the application to restore the suit and the said application was also dismissed on 06.04.2023. The schedule mentioned property in the said suit and in the present suit are one and the same. It is a vital document which is absolutely necessary for the proper adjudication of the present suit and the said document was not available with the applicants at the time of filing the written statement and hence, it is just and necessary to bring this document on record, which shows the conduct of the respondents 8 and 9 in filing frivolous applications in an attempt to harass the applicants herein. Hence, he prays to allow this application.

4. The learned counsel for the 1st respondent/plaintiff submitted that he has no objection in allowing this application.



5. The learned counsel for the respondents 8 & 9/defendants 10 & 11 has strongly opposed to allow this application stating that the 2nd and 3rd applicants have no locus standi to file the present application as they are strangers to the suit and also put to strict proof to show that the present application is preferred as authorised by the 1st applicant herein. With regard to para 2, how the document sought to be marked herein is relevant to the present suit has not been explained.

6. The learned counsel further contended that the 2nd applicant herein was not at all a party to the suit in O.S No.3724 and therefore, a person who is not at all a party to the document cannot rely upon such a document and is not authorised to produce the document in connection with some other suit. The 1st applicant cannot be represented by the 2nd and 3rd applicants herein as themselves attempted to implead as parties in O.S No.3724 of 2012. Hence, he prays for dismissal of the present application.

7. Considering the facts and circumstances of the case and in the interest of justice, this Court is inclined to permit the applicants/defendants 1, 3 and 9 to mark the document as mentioned in the Judge's Summons, however, subject to admissibility, relevancy and proof.

8. Accordingly, this application is allowed.

02.04.2025

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Note: The Registry is directed to list the matter before the Additional Master-IV, for recording evidence on 07.04.2025



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