

IN THE COURT OF IV ADDITIONAL DISTRICT JUDGE, COIMBATORE

**PRESENT : TMT.S. MAGESWARI BANU REKHA.,
IV ADDITIONAL DISTRICT JUDGE,
COIMBATORE.**

Friday, the 07th day of August 2026
Thiruvalluvarandu 2057 Parabhava Varudam Aadi Thingal 22nd day

I. A.No. 1/2025
in
OS No.105/2021

1.Mani
2.Varatharaj
3.Palanisamy
4.Marimuthu

... Petitioners /defendants 4 to 7

Marappan

/Vs/
...Respondent/plaintiff

This petition coming on 27.07.2026 for final hearing before me in the presence of Thiru.RN.Anantharamen, Advocate for Petitioners and of Thiru.K.Krishnamoorthi, Advocate for respondent and upon hearing the argument on both sides, upon perusing the petition and connected records and having stood over for consideration, this court delivered the following:

ORDER

This application has been filed under Order 8 Rule 1(A) of CPC to produce the documents set out in the petition.

2. Gist of the petition averments is as follows:-

The petitioners are the defendants 4 to 7 in the suit. The respondent/plaintiff has filed the suit for Partition, declaration and Permanent Injunction as against them.

The suit mentioned properties were already divided and nothing survives. Though they have pleaded certain documents in their written statement they were unable to produce the same and only now he could be able to produce them which are vital documents to defend their case. The petitioner is producing all the documents set out in the connected petition. Due to long passage of time the records could not be traced since the same were mingled with other documents and only now he was able to traced them. Those documents which are very much relevant to defend their case. He was not wantonly negligent. Hence this petition.

3. Gist of the Counter filed by the respondents are as follows:-

The petition is false, frivolous, vexatious and not maintainable either in law or on facts. It has been filed only with a view to spite and harass this respondent and cause annoyance to the respondent and also drag on the proceedings. The petitioners filed written statement without any proof of documents. The petitioner filed false affidavit and the petitioners have not filed any single documents along with written statement. The petitioners produced revenue documents which are all recently cooked up the documents infavour of them and also additional endorsement made in document No.1796/1953 are not admitted. The petitioner is trying to produce fake documetns. Hence the petition may be dismissed.

4. No oral and documentary evidence were adduced on both side.

5. Point for determination:

Whether the petitioners are entitled for the relief as prayed for?

6. POINTS:

a) Heard both sides, records perused. This petition is filed by the petitioner seeking permission to file additional documents. The petitioners has stated that they have pleaded certain documents in the written statement, however they could not produce those documents along with written statement. Hence this petition.

b) The respondent objected to this stating that the petitioner filed this petition with an intention to drag on the proceedings. The documents filed along with this petition were cooked up recently. Hence this petition is not maintainable.

c) On perusal of both side arguments and documents it appears that the respondent filed the above suit for partition. Suit is at the stage of defendant side evidence. At this stage the petitioner came forward with this petition. The issue whether the documents filed along with the petition can be relied upon or not, can be decided after the completion of the trial. All the documents filed along with this petition are original and certified copies.

In the above circumstance, this court is of the view that an opportunity should be given to the petitioner/defendant. Hence in the interest of justice this petition is allowed.

7. In the result, this petition is allowed.

Dictated to the Steno-Typist, transcribed and typed by her in Computer, Corrected and pronounced by me in Open Court, this the 07th day of August 2026.

IV Additional District Judge
Coimbatore.

Both side witness and documents:- Nil

IV Additional District Judge
Coimbatore.

Draft/Fair Order

I.A. No.1/2025

in

O.S.No.105/2021

Date: 07.08.2026

IV ADJ, CBE

IV ADJ, CBE