

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

Present : Tmt.M.Santhosham., B.Sc., B.L.,

District Munsif, Sulur

Thiruvalluvar year 2056 Visvavasu, 19th day of Panguni

Thursday the 2nd day of April 2026

I.A.No.16/2026

in

O.S.No.195/2017

1. N. Senthilkumar

2. Kalaiselvi

... Petitioners/ 1st and 5th Defendant

/VS/

1. S. Vijayalakshmi

2. S. Banumathi

Rep by Power Agent

K.Subramaniyam

... Respondents/Plaintiffs

This petition is coming on this day for final hearing before me in the presence of Mr.M.Ganeshkumar, Advocate for the Petitioners and Mr.R.Viswanathan, Advocate for the Respondents and upon perusing the records, and this court made the following:

ORDER

This petition filed by the petitioner under Order 7 R 14(3) of CPC to condone the delay in filing the document mentioned hereunder.

1. The brief averments of the affidavit filed by the petitioner as follows:

1.1. The 1st petitioner is the 1st defendant in the above suit. The 2nd petitioner is 1st petitioner's wife. The respondents have filed the above suit for directing defendants to remove the encroachment from the schedule B property and

hand over the vacant possession to them. 1st petitioner have found the petition mentioned documents that were mixed with the old documents files. 1st petitioner have not filed the said document at the time of filing the written statement. The said documents are very important to prove petitioners/ 1st and 5th defendants case. There is no carelessness or negligence on petitioner part in not filing the said document in time. Unless the said document are received and marked 1st and 5th defendants side evidence, petitioners will be put to great loss and hardship. Hence, the petition is to be allowed.

2. The brief averments of Counter statement filed by the Respondents as follows:

2.1. The petition is false, frivolous, vexatious and not maintainable either in law or on the facts and circumstances of the case. The petition has been filed with an ulterior motive to delay the proceedings and to abuse the process of this court. The petitioner is put to strict proof of each and every allegation contained in the petition. The contention that the said documents are crucial for proving the petitioner's case and that there was no negligence or carelessness in not producing the same earlier is wholly false and an afterthought. The petition has failed to offer any satisfactory explanation for the inordinate delay in producing the documents and the story put forth is clearly invented only to overcome the legal bar. The petitioner is therefore put to strict proof of the same.

2.2. The present petition is not maintainable in law and the relief sought is contrary to the provisions of the Code of Civil Procedure. The petition deserves to be dismissed in limine, as it does not satisfy the mandatory requirements contemplated under Order VIII Rule 1A(3) of the Code of Civil Procedure, which mandates that a defendant shall not be entitled to produce documents not filed along with the written statement except with the leave of the Court and only upon showing sufficient and satisfactory cause.

2.3. There is absolutely no pleading in the written statement with regard to the documents sought to be produced through the present application. In the absence of foundational pleadings, the production of such documents cannot be permitted under law. The alleged documents are not connected with the suit property and are wholly irrelevant to the subject matter of the present suit. The petitioner deliberately and knowingly failed to produce any such documents at the time of filing the written statement and has now come forward with the present application after an inordinate and unexplained delay. Such conduct clearly amounts to an abuse and misuse of the process of this court and therefore the application is liable to be rejected.

2.4. The Advocate Commissioner has already inspected the suit property and filed her report before this court. The said report has been duly marked and the commissioner has also been examined on the side of the defendant. At this highly belated stage of the proceedings, the present application has been filed only with a view to fill up the lacuna and defects in the petitioner's case. It is a settled principle of law that parties cannot be permitted to fill up lacunae in their case by producing documents at a belated stage without sufficient cause. Hence, the petition is liable to be dismissed.

3. No Witnesses were examined on either side, and no documents were marked as exhibits.

4. Points for Consideration:-

Whether the petition under Order 7 R 14(3) of CPC to condone the delay in filing the document is to be allowed?

5. Points :-

5.1. The Petition affidavit, counter and the enquiry of both parties were carefully considered. Heard the counsels for both the parties. The suit documents

were carefully examined. The main suit is filed for defendants to hand over and deliver the vacant possession of the “B” schedule property to the plaintiffs after removing the encroachments by the defendants. Now this suit is pending for DW.1 chief continuation.

5.2. The Petitioner stated that, the petition mentioned documents that were mixed with the old documents files. 1st petitioner have not filed the said document at the time of filing the written statement. The said documents are very important to prove petitioners/ 1st and 5th defendants case. The Respondent objected that, the alleged documents are not connected with the suit property and are wholly irrelevant to the subject matter of the present suit. The petitioner deliberately and knowingly failed to produce any such documents at the time of filing the written statement and has now come forward with the present application after an inordinate and unexplained delay.

5.3. This being the trial court, have to given opportunity to both sides to elucidated both side case before this court. The documents filed along with the petition it can be receive with subject to proof of relevancy and admissibility of the documents will be decided only at the time of pronouncement of judgment, without marking any documents, it cannot be rejected. At the time of marking of document to produce the certified copies only allowed. Hence, in the interest of justice this petition is allowed.

In the result, this petition is allowed. No cost.

Dictated to the Steno-typist and directly typed by her in computer, corrected and pronounced by me in open court this the 2nd day of April 2026.

Sd/M.Santhosham

District Munsif,

Sulur.

List of witnesses and Documents on Petitioner side:- - Nil

List of witnesses and Documents on Respondent side :- - Nil

Sd/M.Santhosham

District Munsif,

Sulur.

Draft/ Fair Order
I.A.No.16/2026 in
O.S.No.195/2017
Dated:02.04.2026
DMC, Sular