

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, CUDDALORE

Present: Selvi.B.Phebe, B.A.,LLB.,

Additional District Munsif, Cuddalore

Thursday, the 05th day of March – 2026

I.A.No.25/2026 in O.S.No.284/2018

Thamizhvanan

....Petitioner/Defendaant

-Vs-

1. Ganapathy

2. Kasipattu

.....Respondents/Planitffs

Counsels on Record:

For Petitioner : Mr.V.Venkatesan

For Respondents : Mr.K.Kdeeswaran

This petition came before this Court in the presence of both counsels and upon perusal of records and having stood over for consideration till this day, this court delivers the following:

ORDER

This is an application taken out by Petitioner under Order 8 Rule 1A(3) CPC to receive the document by condoning delay.

2. Gist of the Affidavit filed by the Petitioner:

(i) In the present suit, the plaintiffs have filed the above case seeking the relief of permanent injunction against the defendant. In the said case, the evidence on the side of the plaintiffs has already been completed, and the matter is presently for the defendant's side evidence. The defendant has already stated in the written

statement regarding the documents pertaining to his side. At that time, since the defendant was attempting to obtain and execute a sale deed from the legal heirs of Shanmugam, who is the owner of the suit property, there occurred a delay in filing the documents mentioned below before this Hon'ble Court. If these documents had been filed before this Hon'ble Court at that time, it would have affected the cordial relationship between the defendant and the legal heirs of Shanmugam. For the said reason, there was a delay in filing the documents before this Hon'ble Court. However, now circumstances have arisen making it necessary for the defendant to file the documents on his side in this case, and therefore it has become essential to have the said documents received and taken on record by this Hon'ble Court.

(ii) Therefore, the defendant humbly prays that this Hon'ble Court may be pleased to condone the delay in filing the documents listed below, which could not be filed within the stipulated time, and be pleased to receive and take on record the documents filed herewith under this petition, and thus pass appropriate orders to proceed further with the case.

3. Gist of the Counter filed by the 1st Respondent

The Document No.1, 2, 4, 7, 8 are the Xerox copies. Those documents are no way connected and related to this suit property. Moreover, as per the decision of Hon'ble Apex Courts and Hon'ble High Courts Xerox copies of the documents may not be received and marked as exhibits. It has to be taken into consideration as secondary evidence. Hence those documents are inadmissible documents. The

documents filed by the petitioner is just to create chaos and confusion to this Hon'ble Court. The documents filed by the petitioner are under the custody of the petitioner prior to the filing of the suit and the counter claim. But the petitioner never filed the documents earlier. The documents No.3, 5, 6 are no way connected or related to this suit property. Hence it is prayed that the Hon'ble Court may be pleased to dismiss the petition with costs and thus render justice

4. *The point for consideration is whether the petition filed by the petitioners under Order 8 Rule 1A(3) CPC is to be allowed or not?*

5. No witnesses were examined on both sides.

6. Heard both sides. Perused the records.

7. Analysis:

(i) The petitioner has filed this petition seeking to condone the delay in filing the documents. However, this was assailed by the respondent stating these documents would serve no purpose. Further it was argued that these are secondary evidences and there is no pleadings for the non-production of primary evidence. The counsel for the respondent relied on the Judgment of Hon'ble Madras High Court in the case of *Dr.Lakshmi Murali v. M.Rajan & Anr* reported in **2025(1) TNLJ 366** for the proposition that a document upon which a title is based is required to be proved by primary evidence, and the secondary evidence is only an exception.

(ii) It is the settled principle of law that the rules of procedure are nothing but handmaid of justice. They cannot be construed in a manner, which would

hamper justice. As a general rule, evidence should never be shut out. The fullest opportunity should always be given to the parties to give evidence if the justice of the case requires it.

(iii) Further, this court is of the considered view that proof, relevancy and admissibility of the documents that are to be received could be decided only at the time of the final adjudication. The respondent is at liberty to make his objection at the time of marking of documents for adjudication. The Civil Procedure Code does not preclude the right of the parties for filing of the document at the belated stage. It contemplates that, only with the leave of court the documents can be received at a later stage. Thus, this court has no reluctance in allowing this application.

In the result, this petition is allowed subject to admissibility, proof and relevancy and on cost of Rs.800/- to be paid on or before 11/03/2026.

Dictated to Steno Typist, typed and printed out by her and corrected and pronounced by me in open court, on this day, the 05th day of March – 2026.

Additional District Munsif,
Cuddalore.

List of Witnesses and Documents on both sides: Nil.

Additional District Munsif,
Cuddalore.