

**IN THE COURT OF SUBORDINATE JUDGE,
MADURANTAKAM.**

**Present: Mr. T. GANESH, B.A., B.L.,
Subordinate Judge
Madurantakam**

**Tuesday, this 19th day of February, 2026
I.A.No. 1/2025
in
O.S.No. 37/2020
(CNR No. TNCG13000194-2020)**

1. R. Ramadass
2. R. Muniyandi
3. Masilamani

...Petitioners/Defendants

..Vs..

M. Mani

...Respondent/Plaintiff

This petition coming up for final hearing on 11.02.2026 in the presence of Mr.R.E.Charles, counsel for the petitioners/defendants, Mr.M.Tamilmaran, counsels for respondent/plaintiff, after hearing the arguments on both sides and upon perusing the records, having stood over for the consideration of this court till date, this court delivered the following;

ORDER

This petition is filed by the petitioner under Order VIII Rule 1 – A(3) and section 151 of Civil Procedure Code to receive the documents detailed petition.

2. Averments of the petitioner:

Petitioners had filed some important documents in O.S.No. 13 of 2023 on the file of this Court and they have applied a certified copy of the same and filed those documents along with this petition. Those documents are important documents and he could not file it in time. If the documents are not received, he could not prove his case. Hence this petition.

3. Counter of the Respondent in brief:

The respondent denies the allegations set out in the affidavit. The allegation in the affidavit that the petitioners they have obtained certified copies of sale deeds, in another suit, hence this could not filed earlier is not true and correct. Petitioners have not stated the above documents in the plaint nor pleaded in the plaint. Hence those documents cannot be received in the evidence. Further some of the documents are xerox copy of certified copies which cat not received in evidence. Hence this petition is liable to be dismissed with costs under Sec.35(a) of C.P.C.

4. No oral or documentary evidence adduced by both sides.

5. Heard both sides and perused the records.

6. Point:

“Whether this application can be allowed?”

The present application is filed by the petitioner under Order VIII Rule 1A(3) read with Section 151 of the Civil Procedure Code seeking permission of this Court to receive certain documents, which were not filed earlier along with the written statement and the affidavit of chief examination of DW1. It is contended that the petitioner has obtained certified copies of certain documents filed in O.S.No.13 of 2023 and that

those documents, being important for substantiating his defence, could not be produced at the appropriate time.

The respondent has filed counter denying the averments made in the affidavit and contending that the reasons assigned for non-production of the documents at the earlier stage are not true and correct. It is further contended that the documents were not pleaded in the written statement and that some of the documents are xerox copies of certified copies, which are not admissible in evidence. On these grounds, the respondent seeks dismissal of the petition with costs.

On consideration of the rival submissions and the materials placed on record, it is seen that the documents sought to be received are stated to have been obtained subsequently in connection with another suit and are claimed to be necessary for proper adjudication of the issues involved in the present suit. The petitioner has taken the stand that without reception of the said documents, he would not be in a position to effectively prove his defence. Though the explanation for the delay is disputed by the respondent, there is no material at this stage to conclude that the petitioner has acted with deliberate intention to withhold the documents.

It is well settled that the provisions under Order VIII Rule 1A(3) CPC confer discretion upon the Court to receive documents at a later stage, if sufficient cause is shown. Procedural law is intended to advance the cause of justice and not to defeat it. At the same time, the admissibility, relevancy and proof of the documents are matters to be considered during trial. The respondent will have adequate opportunity to raise objections with regard to the mode of proof and admissibility of the documents at the time of marking and to cross-examine DW1 in that regard.

Considering the nature of the relief sought and the stage of the proceedings, this Court is of the view that the ends of justice would be met by permitting the petitioner to produce the documents, subject to proof, relevancy and admissibility in accordance with law. Accordingly, this point is answered in favour of the petitioner. Hence, this petition is ordered accordingly.

7. Result:

In the result this application is allowed. No costs.

Directly typed in my personal lap-top, corrected and pronounced by me in the open court, this 19th day of February, 2026.

Subordinate Judge,
Madurantakam.

I. Petitioner side evidence and Exhibits :

Nil.

II. Respondents side Evidence and Exhibits :

Nil.

Subordinate Judge,
Madurantakam.

FAIR/DRAFT ORDER
I.A No. 1/2025
IN
O.S No. 37/2020
D.O.D: 19.02.2026
SUB COURT,
MADURANTAKAM

I.A.1/2025 in O.S.No. 37/2020 dated .19.02.2026, Aft, Sub Judge, Madurantakam