

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

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

Friday, this 12th day of September 2025

I.A.No. 2/2025

in

O.S.No. 99/2019

(CNR No. TNCG13000682-2019)

1. B. Munusamy
2. M. Thanigachalam
3. M. Jegadesan
4. M. Kathiresan
5. C. Mahalakshmi
6. A. Shakila

...Petitioners/Defendants

..Vs..

1. Gurusamy
2. Chellammal
3. Vasantha

...Respondents/Plaintiffs

This petition coming up for final hearing on 07.04.2025 in the presence of M/s. Stephen C.Kumar and S.Vinoth, counsels for the petitioners/defendants, Mr.B.Rajesh, counsel 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;

I.A.2/2025 in O.S.No. 99/2019, dated .12.09.2025 Aft, Sub Judge, Madurantakam

ORDER

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

2. Averments of the petitioner:

Petitioner is the 1st defendant in the above suit. Plaintiff had filed above suit as against the defendants for declaration of title and delivery of possession. The above suit is posted today for defendant side evidence. The petition mentioned document is very essential to prove his case. These documents referred when the written statement was presented by petitioner. These documents are his custody now. The leave is sought to produce it in evidence on behalf of the defendants and leave may be granted. No prejudice will be caused to the Plaintiff in receiving them as evidence in the suit. Hence the petitioner files this petition to receive the documents detailed in the petition.

3. Objections of the Respondents/Plaintiffs in brief:

The respondent denies the allegations set out in the affidavit. The documents described in the petition schedule are highly created and obtained under the influence of the petitioners/defendants. Hence, those are not genuine and those will not bind the respondents/plaintiffs. The document No.1 is described in the petition schedule as the Panchayat Letter dated 06.06.1993 is manipulated and concocted document and it is unregistered though which required to be registered Under Stamp Act and Registration Act by its contention hence, it cannot be received as the documentary evidence on the side of the petitioners/defendants.

The document No.2 is described in the petition schedule as Patta No. 235 is also obtained under influence of the petitioners/defendants to the

Revenue Officials and for which no proper enquiry had been conducted to the respondents/plaintiffs while so it cannot be treated as the vital document in the eye of law. The document No. 2 does not give any right to the petitioners/defendants over the suit property.

The documents No. 3 to 21 are issued in the name of the petitioners/defendants under document No.2. When the document No.2 is described in the petition schedule cannot be treated as the vital documents in the eye of law. When the petitioners/defendants are themselves admitted the document No.2 is issued under the document No.1 in their Written Statement they are not entitled any right, title and interest over the suit property under document No.2.

While so the documents described in the petition schedule are not genuine and those will not bind the respondents/plaintiffs regarding the suit property. Hence this petition is liable to be dismissed with cost.

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 petitioner has filed this petition under Order VIII Rule 1A(3) of the Civil Procedure Code seeking leave of the Court to produce certain documents, namely, (i) Panchayat letter dated 06.06.1993, (ii) Patta No. 235, and (iii) other connected revenue records. According to the petitioner, the said documents were referred to in the written statement and are now in his custody. It is contended that the documents are necessary to establish the defence and to let in proper evidence in the matter. It is also stated that

no prejudice would be caused to the plaintiffs if the documents are received on the side of the defendants.

On the other hand, the respondents/plaintiffs have strongly opposed the petition contending that the Panchayat letter is concocted and manipulated, that it is an unregistered document which, according to them, required registration under the provisions of the Registration Act and the Indian Stamp Act. It is further contended that the patta in question has been obtained under undue influence upon the revenue officials without due enquiry, and hence cannot confer any title upon the defendants. It is their categorical case that since the primary documents themselves are not genuine, the subsequent documents 3 to 21, being derived therefrom, also do not create any right, title, or interest in favour of the defendants. On that premise, it is argued that the documents cannot be received as evidence.

At this stage, what falls for consideration is not the evidentiary value or genuineness of the documents, but whether the defendants can be permitted to produce them in evidence. Order VIII Rule 1A(3) CPC enables the Court to receive documents even after filing of the written statement, provided sufficient cause is shown and subject to objections as to proof and admissibility at the stage of trial. The law is well settled that mere reception of documents does not amount to proof of the contents or confer legitimacy to the documents; their admissibility, relevance, and probative value will have to be tested during the course of evidence, and the objections of the plaintiffs are left open to be decided at the appropriate stage.

Therefore, the objections of the respondents/plaintiffs as to genuineness and validity of the Panchayat letter, patta, and consequential documents are matters that go to proof and evidentiary weight, which

cannot be adjudicated at this interlocutory stage. Permitting the defendants to produce the documents will not by itself prejudice the case of the plaintiffs, since they will have ample opportunity to cross-examine and challenge the same during trial. Hence this point is decided 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 12th day of September 2025.

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. 2/2025
IN
O.S No. 99/2019
D.O.D: 12.09.2025
SUB COURT,
MADURANTAKAM

I.A.2/2025 in O.S.No. 99/2019, dated .12.09.2025 Aft, Sub Judge, Madurantakam