

**IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,
KRISHNAGIRI**

PRESENT:Tmt.V.R.Latha., M.A., B.L.,

Principal District Judge, Krishnagiri.

Wednesday, the 11th day of February, 2026

I.A.No.06/2025 in O.S.No. 54 /2018

1.Thenmozhi

2.Dinesh Kumar

... Petitioners / Defendants 1 & 5

Versus

1.Maheswari @ Uma Maheswari

... Respondent / Plaintiff

This petition is coming up for final hearing before me on 22.01.20 in the presence of Tr.K.B.Gopalakanan, Advocate for Petitioners, and Tr.R.Venkataswamy, Advocate for the respondent. Upon hearing both side arguments and upon perusing the documents and the case having stood over for my consideration till this day, I delivered the following

ORDER

This Interlocutory Application is filed under Order 8 Rules 1(A) of CPC, seeking permission to receive the documents as mentioned in this petition.

2. Brief averments made in the petition are as follows;

i] The petitioners have filed Gift Settlement Deed executed by her father-in-law as their side document along with their written statement. Now

they have proposed to file tow more documents in support their pleadings, that is death certificate of her husband Subramani and Legal Heirship Certificate for her husband Subramani issued by the Tahsildar, Krishnagiri in their favour. They have traced the above said documents only recently and hence now they are filing the said documents along with this petition. The above said documents are issues by Public Authorities and hence the respondent cannot have any valid objection for receiving it on their side. So unless the court is pleased to receive the documents detailed in accompanying petition, otherwise they will be prejudiced.

3] The Brief averments made in the counter filed by respondent as follows:-

i] The document filed by the 1st petitioner were created for the purpose of this case. The claim that the 1st petitioner only recently discovered her husband's death certificate and legal heir certificate is false. The aforementioned documents are fabricated for this ligitation.

ii] The respondent is the daughter born to the late Subramani and the late Gandhammal. It is well known to the 1st petitioner that the late Gandhammal was the first wife and that this respondent is the only daughter born to her. Without including this respondent as an heir, obtaining a legal heir certificate is contrary to law. Because the respondent's name was not included in the list of heirs, this document is invalid.

iii] If the case is decided based on the aforementioned legal heir certificate, the respondent will be put to great hardship and loss.

iv] It is prayed that the Court may be pleased to dismiss this petition filed by the petitioners with cost.

4] The point for consideration is,

1] Whether this petition is to be allowed or not?

5] This court has carefully considered the submissions of both sides and perused the records. The documents sought to be filed are Death certificate and a Legal heirship Certificate. These are public documents issued by government authorities. At this stage, this Court is not required to decide whether the documents are genuine, valid or correct. The objections raised by the respondent regarding fabrication, exclusion of her name as a legal heir, and alleged illegality of the Legal Heirship certificate are all matters which can be decided only during trial, after evidence is let in by both parties.

7] It is a settled principle that procedural law is intended to advance justice and not to shut out evidence, especially when the matter is still at the evidence stage. Allowing the petitioner to produce documents would enable this Court to have a complete picture of the defence case. At the same time, this Court is conscious of the objection raised by the respondent regarding delay. To balance the equities and to compensate the respondent, the petition

can be allowed subject to costs, without causing prejudice to the respondent. This Court also makes it clear that the respondent / Plaintiff shall be at full liberty to object to the documents at the time of marking and to test the same through cross-examination, and no opinion is expressed on the merits of the documents.

In the result, this petition is allowed on condition that the petitioners / defendants no.1 and 5 shall pay a sum of ₹1,000/- (Rupees One Thousand only) to the respondent/ Plaintiff on or before 18.02.2026. Failing which this petition shall stand dismissed automatically. For report as to the compliance, call on 19.02.2026.

Dictated to steno-typist, directly typed by him in computer, corrected and pronounced by me in the Open Court on this, the 11th day of February, 2026.

Principal District Judge,
Krishnagiri.

