

**IN THE COURT OF DISTRICT MUNSIF UTHANGARAI  
KRISHNAGIRI DISTRICT**

**Present : Thiru. G. Amar Anand, B.A.LL.B (Hons), LL.M.  
District Munsif, Uthangarai**

On this Tuesday, the 28th day of January 2025

**I.A.No. 03 of 2024 in O.S.No. 62 of 2021**

TNKI13-000071-2021

1. Sudha
2. Suresh

...Petitioners / Plaintiffs

/versus/

1. Chelliyammal
2. Ravikumar
3. Dheeparasan
4. Tahsildar, Uthangarai
5. District Collector, Krishnagiri

...Respondents / Defendants

This interlocutory application came up before this Court on 28.01.2025 for final hearing in the presence of advocate Thiru. S. Dhandapani, the learned counsel for the petitioners and advocate Thiru. S. Sasikumar, the learned counsel for the 1<sup>st</sup> to 3<sup>rd</sup> respondents and the 4<sup>th</sup> & 5<sup>th</sup> respondents already set *ex parte* in the suit and upon hearing both sides and on perusal of records and having stood over for consideration till date, this Court delivers the following:

**ORDER**

The application has been filed under Order VII Rule 14(3) of the Code of Civil Procedure, 1908 seeking leave to receive documents which were not produced at the time of presentation of the plaint.

***The averments of the petitioners in brief:***

1. The petitioners herein are the plaintiff in the suit and aver that the suit stands posted for evidence of the plaintiffs / petitioners and aver that the during the filing of

the suit, certain documents could not be procured by the plaintiffs and they were not filed with the plaint. The petitioners further aver that the documents were only procured now and the delay is not wanton and prays for allowing this application.

***The averments of the respondents 1 to 3 in brief:***

2. The respondents aver that the averments of the petitioners are contrary true facts and all the averments are denied except those which are expressly admitted hereinafter. The respondents deny the averments of the petitioners that the documents were not able to be procured at time of filing of the suit and that they were procured only now by the petitioners and aver that the averments are all false and imaginary. The respondents aver that the certified copy were delivered to the petitioners on 26.12.2022, and hence, the averments of the petitioners that they were procured only now is false and positioners have not approached this Court with clean hands and seek for dismissal for this application.

***Point for consideration:***

3. Whether this application is liable to be allowed?

***Evidence:***

4. Neither of the parties to this application has adduced any oral or documentary evidence.

***Discussion:***

5. This Court, having considered the arguments advanced on both sides and thoroughly examined the pertinent case records, proceeds to delineate its findings by the following discussion. This suit has been instituted for reliefs of declaration and mandatory injunction as against the respondents. This application has been filed by the plaintiffs seeking leave to receive documents which were not presented at the

time of presentation of the plaint. On perusal of the documents, filed, it shows that they are certified copy of school transfer certificate of the 1<sup>st</sup> plaintiff, original photographs of the parents of the plaintiffs, written statement of M.C.No. 4/1993, plaint in O.S.No. 4/2016, decree of O.S.No. 4/2016 and election commission list of Katteri panchayat. A perusal of the same would show that they are relevant documents pertaining to the claim of the petitioners. The reasons assigned by the petitioner is that the documents have been found only now. The objection raised by the respondents is that the petitioners file this application with false averments and the certified copies produced by the petitioners were issued to the petitioners on 26.12.2022. The Honourable Higher Courts have, time and again, insisted the trial Courts to adopt a liberal view in condoning delay in production of documents and to afford reasonable opportunities to the parties to bring all relevant documents on record to support their case. Further, this Court is of considered view that the adverse party will not be prejudiced as they were put to proper notice of the documents by filing this application. A perusal of the documents produced would show that they are relevant to the claims and are indispensable for proper adjudication and for making a just and well-considered decision in this suit. Hence, this Court is of considered view that despite the *lacuna*, this application has to be allowed in the interest of justice in order to avoid further delay and multiplicity of proceedings.

***Result:***

***6. As a result, this application is allowed. No cost.***

This order was dictated to the steno-typist and transcribed by her on computer and after rectification of mistakes, pronounced by me in open court on this 28th day of January 2025.

Sd/-  
Thiru. G. Amar Anand, B.A.LL.B (Hons), LL.M.

District Munsif  
Uthangarai

**Annexure**

**Petitioner side evidence**

Petitioner side Witnesses: Nil

Petitioner side Exhibits: Nil

**Respondent side evidence**

Respondent side Witnesses: Nil

Respondent side Exhibits: Nil

**Court Documents:** Nil

Sd/-  
Thiru. G. Amar Anand, B.A.LL.B (Hons), LL.M.

District Munsif  
Uthangarai