

**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 21st day of January 2025

I.A.No. 09 of 2024 in O.S.No. 56 of 2020

TNKI13-000084-2020

Anbu

...Petitioner / 2nd Defendant

/versus/

Sampath

...Respondent / Plaintiff

This interlocutory application came up before this Court on 21.01.2025 for final hearing in the presence of advocate Thiru. K. Murugan, the learned counsel for the petitioner and advocate Thiru. K. Vadivel, the learned counsel for the respondent 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 VIII Rule 1A(3) of the Code of Civil Procedure, 1908 seeking leave to receive documents which were not produced at the time of presentation of counter-claim.

The averments of the petitioner in brief:

1. The petitioner herein is the 2nd defendant in the suit filed by the respondent and avers that the petitioner filed counter-claim against the respondent for declaration and perpetual injunction. The petitioner avers that at the time of filing of counter-claim Grama Natham Pattas since 1980 pertaining to Krishnagiri District were not available in public domain and could be obtained only now. The petitioner avers that the petitioner has submitted the documents standing in the name of the 2nd defendant are the Patta and 'A' register extract for S.No. 217/2. The petitioner avers that the



aforesaid documents are important documents and the petitioner prays for allowing this application and grant leave to receive documents.

The averments of the respondent in brief:

2. The respondent denies the averments of the petitioner in toto are all false and further avers that the petitioner filed this application with false averments and is filed only to prolong the proceedings and hence, the application is liable to be dismissed and the respondent seek for dismissal of the 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 declaration of title and perpetual injunction restraining the defendants from interfering with the possession of the plaintiff in the suit property. This application is filed by the 2nd defendant seeking leave to receive the documents which were not produced at the time of presentation of counter-claim. A perusal of the documents would show that they are downloaded copies of computer Chitta and 'A' register extract for S.No. 217/2 which were standing in the name of the 2nd defendant. The reason stated by the petitioner is that the Grama Natham Pattas were not uploaded in public domain at the time of filing of counter-claim and they were uploaded only now. The objection raised by the



respondent is that the averments of the petitioner are all false and the petitioner filed this application only to delay the proceedings. In this regard, the observations of the Honourable Supreme Court in its recent judgment in ***Sugandhi (Dead) v. P. Rajkumar***,¹ are relevant which read as follows:

“9.....If the procedural violation does not seriously cause prejudice to the adversary party, courts must lean towards doing substantial justice rather than relying upon procedural and technical violation. We should not forget the fact that litigation is nothing but a journey towards truth which is the foundation of justice and the court is required to take appropriate steps to thrash out the underlying truth in every dispute. Therefore, the court should take a lenient view when an application is made for production of the documents under subrule (3).”

The Honourable Supreme Court further in the judgment observed as follows:

“10. Coming to the present case, the defendants have filed an application assigning cogent reasons for not producing the documents along with the written statement. They have stated that these documents were missing and were only traced at a later stage. It cannot be disputed that these documents are necessary Page 2 of 3 for arriving at a just decision in the suit. We are of the view that the courts below ought to have granted leave to produce these documents.”

6. Applying the above observations of the Honourable Supreme Court to the present case, the documents produced are downloaded copies of Patta and ‘A’ register extract for S.No. 217/2 which were standing in the name of the 2nd defendant, and they *prima facie* appear not in nature of setting out a new case which would prejudice the adverse party and are relevant and are necessary for arriving at a just decision in the suit. Since mere receiving of the documents does not make it proof of the facts, and the parties have to establish the facts with sufficient evidence, this Court is of

¹ *Sugandhi (Dead) v. P. Rajkumar*, (2020) 10 SCC 706.



considered view that allowing this application would not prejudice the other party. Hence, this Court finds that there are satisfactory reasons to allow this application and for granting leave. Hence, in order to avoid multiplicity of proceedings and in the interest of justice, this Court is inclined to allow this application.

Result:

7. As a result, this application is allowed. In the interest of justice 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 21st 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