

**IN THE COURT OF PRINCIPAL DISTRICT MUNSIF KANCHEEPURAM
KANCHEEPURAM DISTRICT**

**PRESENT: TMT.R. Rajeswari,B.Com.,L.L.M.,
Principal District Munsif, Kancheepuram**

On Thursday, this the 16th day of November 2023

I.A.No. 6 of 2023
In
O.S.No. 103 of 2023

1. Mrs. Ponmozhi

2. Mr. Yuvaraj

...Petitioners/Defendants

/Versus/

1. Subash @ Balaji

2. Mr. Mohankumar

...Respondents/Plaintiffs

3. The Sub Registrar,

Joint – 1, Kancheepuram

4. The District Registrar,

Registration of Documents

Kancheepuram District

Kancheepuram

... Respondents/Defendants 3 and 4

This petition has come up on 07.11.2023 for final hearing before me in the presence of Thiru.P. Balu, advocate for the petitioners and Thiru.S. Dilli Babu, advocate for the respondents and upon hearing the arguments of both sides and upon perusing the connected material records and having stood over till this day for consideration, this court delivers the following:

ORDER

1. This petition is filed under Order 8 Rule1A(3) & Section 151 of CPC to receive the additional documents on the defendant side.

2. The case of the Petitioner as stated in his affidavit is as follows:-

The petitioners is the defendants in the above suit. The respondents / plaintiffs have filed the above said suit for declaration and for permanent injunction and other reliefs with costs. The petitioner submit that at the time of filing of the written statement the following documents are traceable and so, the petitioner was not able to file those documents at the time of filing of written statement on the petitioner side. Now, after making strenuous efforts, the petitioner have traced the documents which are listed in the petition and those documents are essential and vital one and in order to substantiate the petitioner contention raised in this case those are necessary. Hence this petition.

3. The respondent filed his counter and the gist of the same is as follows:-

The respondent submit that the above Interim Application filed by the petitioners/Defendant 1&2 is not maintainable either in law and facts, it is liable to dismiss the same. Under Section 5 of Indian evidence act 1874, evidence must be given fact in issue and relevant facts only and also Illustration of sec.5 of the Indian evidence act clearly shown that the party to the suit must come to court on first instance along with the documents relied by them, later that the Documents are not admitted as evidence, herein as per Affidavit of Petitioner, she admitted they had filed their written statement already in the suit. Since, they had intentionally omitted to file the same along with the written statement hence as per principal of Indian Evidence act the document relied by them cannot be admitted as evidence. This present petition filed by the petitioner to receive documents after the written statement and also, they had failed to state sufficient cause for non – filing of the same along with the written statement.

4. The document listed in petition No.6 that the partition deed between the plaintiffs the same was not in issue and relevant facts of this present case, the same was filed by the petitioners/Defendants with intend to confuse this Hon'ble Court. The documents listed 1 to 12 in the petition are not admissible as in evidence due to non-stated sufficient cause to the delay. Hence, this Hon'ble Court cannot permit the Petitioners/Defendants to receive and mark the petitioned documents on their side. Hence this petition may be dismissed.

The Point:

5. The petitioner/defendant filed this petition under Order 8 Rule1A(3)& Section 151 of CPC
6. In other hand, the respondent/plaintiff objected to mark the above documents.
7. Heard both sides and perused the records.
8. Any documents can be received in evidence. It admissibility is to be decided at the time of judgment. Hence these documents can be received subject to proof and relevancy. Hence, in view of that the petition is allowed.
9. In the result, the petition is allowed. No cost.

Dictated to the steno-typist, who directly typed the same in her Computer, corrected and pronounced by me in open court, this the 16th day of November 2023.

sd/(R.Rajeswari B.Com.,L.L.M.,)

PRINCIPAL DISTRICT MUNSIF
KANCHEEPURAM