

IN THE COURT OF PRINCIPAL DISTRICT MUNSIF
AT KANCHIPURAM

PRESENT: Tmt. Fanny Rajan.B.A., B.L.,(Hons)
Principal District Munsif, Kanchipuram

On Thursday, this the 12th day of March 2026

IA.No. 2 of 2024
in
O.S.No. 150 of 2021

CNR.No.TNKP08--000309-2021

Mr. G. Arumugam S/o. Ganeasan

... Petitioner/plaintiff

/Versus/

Mr.R. Sampath

...Respondent/ Defendant

This petition has come up on 17.02.2026 before me for final hearing in the presence of M/s. V. Tamilarasu, V. Thulasi, J. Karpagam, V. Praveen. M.K. Archana, R. Kamesh, V. Srisaran, A. Sarathkumar, T. Siddharth advocates for the Petitioner/ Plaintiff and M/s. B.S. Ramesh, J. Jagadeesh, M. Nagaraj, J. Ramesh advocates for the Respondent/Defendant and upon hearing the arguments 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 by the petitioner under Order VII Rule 14(A) of CPC to the petitioner condone the delay of filing documents listed and pass such other suitable orders deemed fit into circumstances of the case and thus render justice.

Concise Statement of the averments in the Petition filed by the Petitioner:

2. The petitioner has averred that the suit is filed for Ejectment and posted for trial. He is filing the documents in favour of his case, which were not available at the time of filing the suit. If the petition is not allowed, he would be put to much loss which cannot be compensated in terms of anything. Hence this petition.

Concise Statement of the averments of the Counter filed by Respondent:

3. The Respondents denied the averments and averred the Petition is vexatious. The documents were obtained on 23.02.2022, whereas the Issues were framed on 17.08.2022 and posted for Trial. There was no impediment to file the documents before the framing of Issues. The reason stated is vague and as per the Citations of the Hon'ble Supreme Court of India and High Court of Judicature of Chennai, each and every date of delay has to be explained. The petition does not explain the delay. The Petitioner is lethargic and the respondent would be put to irreparable loss if the petition is allowed. Hence the Petition has to be dismissed with costs.

4. **POINT FOR DETERMINATION:** Whether the Petition to condone the delay of filing the documents listed has to be allowed or not?

DISCUSSION AND FINDINGS:

5. This Court considers the submissions of both the counsels and perused the materials on record. No ocular or documentary evidence has been let in by the Petitioner and Respondents.

6. On perusal of the records, it is found that the written statement of the defendant was filed on 29.03.2022 and issues were framed on 19.04.2022. A petition to implead in I.A.No.1 of 2023 was filed and dismissed on 22.08.2024. On 04.10.2024, the proof affidavit alongwith this petition is filed. Thereafter, upon an transfer petition in TR.O.P.No.115/2024, this case was transferred to the file of this court on 13.11.2025.

7. In the instant case, the Learned Counsel for the Petitioner has specifically contended that the documents are necessary to prove his case and not available on the date of filing the plaint. There is no malafide or unnecessary delay in this petition as the documents are filed before the trial commenced. On the other hand, the main contention of the learned counsel for the Respondent is that the documents were filed delayed with an intent to delay the proceedings. The documents were in the hands of the Petitioner as early as 23.02.2022 even before the issues were framed. As the Petitioner failed to exercise due diligence, this petition has to be dismissed.

8. This court is of the considered view that the reason stated though vague without specific details, the Hon'ble Apex Court and the Hon'ble Madras High Court in plethora of cases held that as long as no malafide or abuse of process is explicitly shown, the Courts may take a liberal approach in condoning the

reasons for delay and provide an opportunity to the parties to contest their case on merits. In view of the above stated, this Court may adopt a liberal approach in the case of the Petitioner and examines if there is any deliberate negligence or delay in filing the document.

9. This court has considered the arguments of the Learned Counsel for the Respondent alleging that this Petition is filed to delay the proceedings. It is pertinent to note that despite the contention of dragging the proceedings, the said contention appears as a formal defense without any substantive facts or evidence to establish the same, as the trial has not commenced in the suit. It is pertinent to note that though the documents were obtained on 23.02.2022, the interim application to implead was pending in the suit. Which was dismissed on 22.08.2024 and thereafter, the trial stage commenced. On 04.10.2024 this petition is filed. Thus, this court opines that there is no malafide.

10. The mere filing of the Petition at the hand with delay alone is not clearly sufficient to hold that the Petitioner deliberately delayed filing this Petition with an intent to delay. There should be material to establish that the delay is covered with malafide to delay and abuse the process of law. In its absence, this court considers that the contention of the Learned Counsel for the Respondent on this behalf is not acceptable.

11. This Court considers that though the reasoning stated by the Petitioner that the documents are important without any specific particulars regarding the efforts taken to secure them at the time of filing of suit, there is no apparent malafide or lack of diligence. Upon perusal of the Petitioner's Affidavit and other material records, this Court is satisfied that there is no deliberate intentional prolonging on the side of the Petitioner or any attempt by the Petitioner to abuse the process of law. The document in question has been obtained after filing the suit. Therefore, this Court considers it necessary to adopt a liberal approach as per the well established principle of law in respect of the vague reasoning by the Petitioner and this Court is inclined to permit the Petitioner to file the documents.

12. This Court finds that the leave to file the additional documents, does not in any manner vitiate the right of the Respondent to object to the marking of the document in the trial or enquiry. With a view to provide a fair opportunity to the Respondent, the documents may be accepted only subject to admissibility, relevancy and proof which shall be decided at the time of marking of the documents and final arguments as per the established procedure of law.

13. The question regarding the admissibility, relevancy and proof shall be discussed as and when arises in the suit and rejecting the document without an

opportunity at this stage may result in prejudice to the Petitioner. Hence, this Court concludes that in the interest of justice, the Petitioner ought to be provided with an opportunity to file the additional document produced with this Petition. This Court concludes that there is no impediment to receive the additional documents which are filed along with the petition, subject to the admissibility, relevancy and proof.

14. Considering the nature of the suit and issue involved, this court considers that the parties shall bear their own costs.

RESULT:

15. In the result, this Petition is allowed and leave is granted to Petitioner to produce the document mentioned in the Petition and the same shall be marked subject to admissibility, relevancy and proof. No costs.

Dictated to the steno typist partly, who directly typed the same in her Computer and partly typed by me, corrected and pronounced by me in open court, this the 12th day of March 2026.

PRINCIPAL DISTRICT MUNSIF
KANCHEEPURAM

Petitioner and defendant side witness and document : NIL

PRINCIPAL DISTRICT MUNSIF
KANCHEEPURAM