

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

PRESENT: TMT.R. Rajeswari,B.Com.,L.L.M.,  
PRINCIPAL DISTRICT MUNSIF

On Monday, this the 4<sup>th</sup> day of September 2023

**IA.No. 4 of 2023**

In

**O.S.No. 199 of 2021**

A. Padmavathi

...Petitioner

/Versus/

S. Kuppan

...Respondent

This petition has come up on 23.08.2023 for final hearing before me in the presence of Thiru.T.C.Soundararajan, advocate for the petitioner and Thiru.M.Madanagopal, advocate for respondent 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 Rule 7 (1)(a) and Section 151 of CPC to condone the delay in filing the documents mentioned in the petition and they may be received and marked as exhibits in the petitioner side.

**The case of the petitioner as stated in his affidavit is as follows:-**

2. The petitioner submitted that the above suit is filed by plaintiff for injunction against the petitioner and other defendants and interim injunction in I.A.No. 2 of

2021. On the side of petitioner/plaintiff exhibits filed along with the plaint have been marked. On the petitioner side, now the petitioner is filing some additional documents. Already the petitioner have filed the documents along with memo. But the petitioner is advised to file necessary application. The reasons for filling now is not willful. If the documents are not received the petitioner will be put to irreparable loss and injury. The delay is neither willful nor wanton. Hence this petition.

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

3. The respondent denies all the allegations of the petition as false except those that are specifically admitted herein. The petitioners are put to strict proof of the allegations of the petition. The allegations that the reasons for filing necessary application are not willful are not stated in the affidavit filed by the petitioners. As no reasons stated in the affidavit for the delay in filing the documents, the question of receiving the documents after condoning the delay to receive the said documents will never arise. The respondent/the plaintiff submits that document 1 to 7 filed in the above petition are in no way connected with the facts of the case. Hence this petition may be dismissed.
4. The point for consideration in this petition is whether there are valid reasons to allow this petition or not ?

**The Point:**

5. The Learned Counsel for the Petitioner has argued that the above suit is filed by plaintiff for injunction against the petitioner and other defendants and interim

injunction in I.A.No. 2 of 2021. On the side of petitioner/plaintiff exhibits filed along with the plaint have been marked. On the petitioner side, now the petitioner is filing some additional documents. Already the petitioner have filed the documents along with memo. But the petitioner is advised to file necessary application. The reasons for filling now is not willful. If the documents are not received the petitioner will be put to irreparable loss and injury. The delay is neither willful nor wanton. Hence, the petitioner counsel prayed to allow this petition.

6. The Learned Counsel for the Respondent has argued that no valid reasons was stated by the petitioner in the affidavit for the delay in filing the documents, the question of receiving the documents after condoning the delay to receive the said documents will never arise. The respondent/the plaintiff submits that document 1 to 7 filed in the above petition are in no way connected with the facts of the case. Hence the respondent counsel prayed to dismiss this petition.
7. Heard both sides and perused the records. After hearing the both sides arguments, this court has carefully perused the averments of affidavit, counter filed by respondent and entire case bundle. The original suit was filed by the respondents/plaintiffs for permanent injunction, In the mean time the petitioner/defendant have come forward with this petition condone the delay in filing the documents mentioned in the petition and they may be received and marked as exhibits in the petitioner side. Any document can be received subject to proof and relevancy, the objections raised by other side must be noted and the

validity of documents shall be decided at the time of judgment only. The trial court cannot refuse to receive the documents which are filed by the parties, at the first instance, the opportunities shall be given to the parties to mark their documents. So in these circumstances this court come to the conclusion that there are valid reasons to allow this petition. The point is answered accordingly.

8. In the result, this petition is allowed. No costs.

Dictated to the steno-typist, who directly typed by her in computer corrected and pronounced by me in open court this the 4<sup>th</sup> day of September 2023

Sd/-R.Rajeswari  
Principal District Munsif,  
Kancheepuram.