

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, KULITHALAI

Present : Selvi.A.Yughathymariya, B.Com, L.L.B.(Hons.,)

Additional District Munsif, Kulithalai.

Dated Thursday, the 16th day of October 2025

I.A No.05/2025 in O.S No.176/2017

Manivelan

...Petitioner/Defendant

- Vs -

Vembu

...Respondent/Plaintiff

This petition has come up for final hearing on 07.10.2025 before this Court in the presence of Mr. R.Krishnasamy, the Learned Counsel appearing for the Petitioner and in the presence of Mr. R.M.Senthil, the Learned Counsel appearing for the Respondent, upon perusal of material records and having stood over for consideration till this day, this court delivers the following:

ORDER

This petition is filed under Order 8, Rule 1A(3) of CPC by the Petitioner/Defendant in order to receive the additional documents on the side of the Defendants in the above suit.

Brief averments in the affidavit:

2) The Petitioner is the Defendant in the above suit. The above suit was posted for Defendant's side evidence. The documents as mentioned in the petition affidavit are necessary in order to prove the case of the Defendant. The said document are available to the Defendant by now only. The petition mentioned documents could not be able to be filed on the side of the Defendant. Hence, this petition to receive the additional documents on the side of the Defendants in the above suit.

Counter objection filed on behalf of the Respondent:

3) This petition is false, frivolous and unsustainable in law. All the allegations contained in the affidavit are false and specifically denied by the Respondent. Though the above suit was posted for Defendant's side evidence, the Defendant/Petitioner herein had now introduced the documents as found recently and the said fact is false and specifically denied by the Respondent. There is no such valid reasons for non-filing of the documents earlier. The affidavit is having no valid reasons. Hence, this petition is liable to be dismissed.

Point for determination:

4) Whether the Petitioner is entitled to the relief sought for in this petition?

Evidence:

5) There is no oral and documentary evidence adduced on either side.

Discussion:

6) Heard both sides. Perused records. Upon perusal of records, it is seen that the above suit has been filed by the Respondent/Plaintiff against the Petitioner/Defendant, for the relief of Permanent Injunction in respect of the suit property thereby restraining the Defendant from interfering with the Plaintiff's peaceful possession and enjoyment over the suit property either by way of illegal threats of trespass, or dumping waste garbage or by putting up new boundaries stones or in any manner whatsoever. Admittedly, in the above suit, Plaintiff's side evidence was closed and thereafter, the above suit was posted for Defendant's side evidence. On the side of the Defendant, DW1 was examined in chief but no documents were marked through him.

7) Pending the same, this petition has been filed on the side of the Defendant, in order to receive the petition mentioned additional documents in the above suit, in order to substantiate the case of the Defendant. Upon perusal, it is seen that the reasons stated by the Petitioner/Defendant for not filing the above petition mentioned documents earlier is that the above documents were not available to the Petitioner and it has been available to the Petitioner by now only. Hence, in the interest of justice, the Petitioner sought this Court to receive the petition mentioned additional documents on the side of the Defendants.

8) Per contra, the major objection that has been placed on the side of the Respondent is that the Petitioner has not provided any valid reasons for not filing the petition mentioned documents earlier in the above suit and sought this Court to dismiss this petition for the said reason.

9) Upon careful consideration, it could be seen that the above suit has been filed by the Respondent/Plaintiff for the relief of Permanent Injunction against the Defendant/Petitioner herein. Moreover, it could be seen that the above suit has been filed in the year of 2017 itself. Moreover, the above suit was posted for Defendant's side evidence and DW1 was examined on the side of the Defendant, but through him no document has been marked. Pending the same this petition has been filed by the Defendant.

10) Upon perusal, it could also be seen that the Petitioner/Defendant has been running a school in respect of his own property and he wanted to mark the sale deed and other revenue records in respect of his own property on his side, in order to substantiate his case. But however, this suit was filed in the year of 2017 and the Petitioner/Defendant had not produced the above said documents before this Court. But, after many years later, the Defendant has now opted to file the above documents before this Court by now only. Moreover, the Petitioner had not stated any valid reasons in order to show that the above said documents were available to him by now only. This Court feels that the reasons stated by the Petitioner for not producing the

above documents earlier is found to be not sufficient. However, this Court is of the view that if this petition is not allowed, the Petitioner would be put to irreparable loss and he would be prejudiced.

11) This apart, this Court is also of the view that the above petition mentioned documents are found to be necessary, to determine the real controversy between the parties to the suit. Therefore, in order to avoid such technical irregularities happened on the side of the Petitioner, in not filing the petition mentioned documents earlier before this Court and to render a complete and fair justice, this Court is inclined to allow this petition. This Court is also ensured that Respondent will be having every opportunity to cross examine the witness through whom the said documents are going to be marked and the Respondents are very well having the opportunity to make any objections in respect of the documents which are proposed to be marked on the side of the Defendants in the above suit.

12) However, with an inordinate delay and without substantiating any reason for the delay in not producing the documents earlier, this petition has been filed by the Petitioner and this Court is of the opinion that the Respondent has been put to inconvenience for the delay caused on the side of the Petitioner, in not producing such documents earlier before this Court. Therefore, in order to balance the equities, this Court deems it fit to impose cost on the Petitioner as a condition for allowing this application.

Result:

Accordingly, this petition stands allowed. The Petitioner shall pay a cost of Rs.500/- to the Respondent on or before 25.10.2025, failing which this order shall stand automatically vacated.

Dictated to my steno-typist, taken down by her in short hand and typed by her in the computer, corrected by me and pronounced by me in the open court on this the 16th day of October 2025.

**Additional District Munsif,
Kulithalai.**

Petitioner side witness and documents	-	Nil.
Respondent side witness and documents	-	Nil.

**Additional District Munsif,
Kulithalai.**