

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, KULITHALAI

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

Additional District Munsif, Kulithalai.

Dated Saturday, the 01st day of November 2025

I.A No.07/2025 in O.S No.234/2019

- 1) Sinivasan
- 2) Chandran
- 3) Parvathy
- 4) Maruthayee

...Petitioners/Defendants 1 to 4

- Vs -

- 1) Maruthayee
- 2) Mahalingam
- 3) Mariyayee
- 4) Vellaiyammal
- 5) Poosaimani
- 6) Kodiyarasu
- 7) Mariyayee
- 8) Veeramani
- 9) Rajendran
- 10) Chandrasekar
- 11) Pathmini
- 12) Vairaperumal
- 13) Sellayee
- 14) Pachaiyammal
- 15) Amaravathy

...Respondents/Plaintiffs

This petition has come up for final hearing on 16.10.2025 before this Court in the presence of Mr. K.Vijayakumar, the Learned Counsel appearing for the Petitioners and in the presence of Mr. K.S.M.Sahul Hameed, the Learned Counsel

appearing for the Respondents No.1 to 15, upon perusal of material records and having stood over for consideration till this day, this court delivers the following:

ORDER

This petition is filed by the Petitioners under Order 8, Rule 3 r/w Section 151 of CPC 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 herein is the 2nd Defendant in the above suit. The above suit has been posted for the Defendants side witnesses, on behalf of the Defendants No. 1 to 4 herein. The petition mentioned documents are available to the Petitioners by now only. Hence, the delay caused in not filing the above documents. The delay caused is not an intentional one. Hence, this petition to receive the petition mentioned documents on the side of the Defendants No. 1 to 4 in the above suit.

Brief averments in the counter objection filed on behalf of the Respondents:

3) This petition is legally unsustainable. The Petitioners are not entitled to the relief sought for in this petition. All the allegations contained in the petition affidavit are denied and they have to be proved by this Petitioners only. The petition mentioned documents are all not related to the above suit. This petition has been filed with a malafide intention by not filing the petition mentioned documents along with the written statement filed by the Defendants in the above suit only for the purpose of dragging on the above suit.

4) Without any reason for the delay caused in not producing the above documents, the Petitioner has filed this petition without stating any proper reasons. This Petitioners have no case in the above suit and only to delay the above suit, this

petition has been filed and the same has to be dismissed in limine. There is no prima facie in this petition. Hence, this petition is liable to be dismissed with costs.

Point for consideration:

5) Whether the Petitioners are entitled to the relief sought for or not?

Evidence:

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

Discussion:

7) Heard both sides. Perused records. Upon perusal of records, it is seen that the Respondents/Plaintiffs have filed the above suit against the Petitioners/Defendants for the relief of partition in the suit property and for the future profits regarding the same. It is also seen that in the above suit, Plaintiffs' side evidence was closed and the same was posted for Defendants' side evidence. Wherein, DW1 was examined in chief and no documents were marked through him. Pending the same, this petition has been filed in order to receive the petition mentioned additional documents on the side of the Defendants in the above suit.

8) The major contentions that has been placed on the side of the Petitioners is that the petition mentioned documents were not available to the Petitioners earlier and they are available to them by now only. Apart from the same, the Petitioners have not stated any reasons as to where these documents have been all along with or why they could not be able to get those documents until now. Per contra, the major objection that has been raised by the Respondents herein is that without any valid proper reasons, this petition has been filed by the Petitioners and they have also alleged that in order to drag on the above suit, the petition mentioned documents were not filed by the Defendants along with their written statement in the above suit and hence, they filed this petition to delay the proceedings.

9) Upon perusal, it could also be seen that the petition mentioned documents are none other than the Pattas in respect of the suit property. It is also seen that the Petitioners/Defendants No. 1 to 4 in the above suit have filed their written statement, wherein they have stated that in respect of the suit property, the Defendants No. 1 and 2 are in the possession and enjoyment of the same and Patta for the said properties were also obtained in their name and thereby contested the case of the Plaintiffs in the above suit. This being so, it is seen that when the Defendants has alleged that they have the Patta in respect of the suit property in their name at the time of filing of the written statement itself, it is nowhere stated by the Petitioners herein in this petition as to why they have not produced the said Patta along with their written statement and what prevented them from producing the same at the earlier point of time.

10) This apart, the Petitioners have also not stated any proper reasons as to the delay caused by them in not producing the Pattas in respect of the suit property at the earlier point of time. Though the Petitioners have failed to mention proper reasons for not producing the petition mentioned documents in the above suit at the earlier point of time, this Court is of the view that such technical irregularities have to be avoided and in the interest of justice, the delay caused can be condoned, in order to provide opportunities to the parties for the purpose of proving their case, rather allowing it to contest without relevant documentary evidence on their side. Therefore, opportunities must be given to the Petitioners to produce the above documents on their side. This Court is also of the view that the above documents are necessary for deciding the matter in dispute raised in the above suit.

11) However, this suit has been filed in the year of 2019. After so much of delay, this petition has been filed by the Petitioner, for which this Court feels that the Respondents herein have been put to inconvenience for the delay caused on the side of the Petitioners herein, in not producing the said documents earlier in the above suit. Hence, to balance the equities this Court finds fit to impose costs on the Petitioners as a condition for allowing this petition.

Result:

In result, with the above observations, this petition is allowed in the interest of justice and on merits, with a cost of Rs.500/- to be paid by the Petitioners to the Respondents on or before 09.11.2025, 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 01st day of November 2025.

**Additional District Munsif,
Kulithalai.**

Petitioners side witness and documents - Nil.

Respondents side witness and documents - Nil.

**Additional District Munsif,
Kulithalai.**