



Fair Order / Draft Order

IN THE COURT OF DISTRICT MUNSIF, VADIPATTI, MADURAI DT.

Present : Thiru. M.P. Ramkishore, B.E., BL., (Hon's)

District Munsif, Vadipatti

Dated this the 02nd day of December 2025

CNR. No.TNMD190000122024

IA. No.02 / 2025

In

O.S. No.09 / 2024

1. Mokkathai,
D/o. Late. Vellaiyan

.... Petitioner / D1

//Versus//

1. M. Vellaithai,
W/o. Karuthakannan

.... R1 / Plaintiff

2. The Tahsildar,
Vadipatti Taluk,
Madurai.
3. The District Collector,
Collectorate, Madurai.

.... R2 and R3 / D2 and D3

This petition is filed before this Court on 13.10.2025 and coming before this court for final hearing on 02.12.2025 in the presence of Advocate Thiru. P. Kathan appeared for the petitioner / D1, Advocate Thiru. S. White Kennady appeared for R1 / Plaintiff and Learned Government Pleader appeared for the R2 and R3. Upon hearing the arguments advanced by both side's counsel and upon perusing the available material records, today this Court has delivered the following....



Fair Order / ~~Draft Order~~

ORDER

1. This petition was filed under order 7 rule 14(2) of C.P.C. but considering the rank of the parties in the main suit and the relief sought this petition is considered under order 8 rule 1A of C.P.C.

2. Petition averments in brief:

The petition contention was that, the petitioner was the 1st defendant in the main suit. The main suit was filed for declaration by the 1st respondent / plaintiff. This petitioner was contesting the case by disputing the legal heirs of deceased Karuthakannan. The petitioners daughter was a heir but she was not added in the main suit. The documents filed with this petition were necessary to prove this petitioners contention. Hence, the petitioners / defendants filed this petition, seeking leave of this court to file the additional documents in the main suit.

3. Counter averments in brief: (Counter not filed by R2 and R3)

The R1 / plaintiff filed counter by denying the entire petition contentions and stated that the petitioner had filed this petition to receive additional documents to prove her daughter was also one of the legal heir of husband of R1. But the relation of the petitioner with the husband of the 1st respondent was in question, being so, the petitioner cannot file these additional documents to correlate the relationship of her daughter with the husband of 1st respondent hence the petition was not necessary for this case. The documents proposed to be filed were not original documents. Hence this documents were not at all necessary and this petition is liable to be dismissed.

4. The petitioner to prove her case had filed 8 documents on her side. The respondents did not let in any evidence in this proceedings.



Fair Order / ~~Draft Order~~

5. **Point for determination** : Whether this petition can be allowed?

i. Heard both sides. Records perused. Admittedly, the main suit was filed for declaration of legal heirs. The suit was in defendant side evidence. The petitioner had filed this petition to receive additional documents on the defendants side. The petitioner's contention was that the petition mentioned documents were necessary to decide the suit. On the other hand, the 1st respondent / plaintiff challenged the petition stating that the petition mentioned documents were not relevant to the suit.

ii. The petitioner during her arguments had filed 8 documents to substantiate her case; 1) 1st defendant family card, 2) 1st defendant aadhar card, 3) Transfer Certificate of Kodeeswari, 4) Aadhar card of Kodeeswari, 5) Voter Id of Kodeeswari, 6) Income Certificate of Kodeeswari, 7) Community Certificate of Kodeeswari, 8) Native Certificate of Kodeeswari. The respondents did not let in any documents on their side.

iii. This petition was filed under order 8 rule 1A of C.P.C., it runs as follows,

“Order 8 rule 1A. Duty of defendant to produce documents upon which relief is claimed or relied upon by him.- (1) *Where the defendant bases his defence upon a document or relies upon any document in his possession or power, in support of his defence or claim for set off or counter claim, he shall enter such document in a list, and shall produce it in court when the written statement is presented by him and shall, at the same time, deliver the document and a copy thereof, to be filed with the written statement.*

(2) *Where any such document is not in the possession or power of the defendant, he shall, wherever possible, state in whose possession or power it is.*

(3) *A document which ought to be produced in Court by the defendant under this rule, but, is not so produced shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit.*

(4) *Nothing in this rule shall apply to documents—*



Fair Order / ~~Draft Order~~

(a) produced for the cross-examination of the plaintiff's witnesses, or petition mentioned document

(b) handed over to a witness merely to refresh his memory. ”

Thus according to the above provision, the documents that were relied upon by the 1st defendant shall be listed out and filed along with the written statement. Further the document not filed with the written statement can only be filed with the leave of the court.

iv. In the case in hand from perusing the entire records, the petitioner / 1st defendant had stated in his petition that the documents intended to be filed was necessary to decide the main suit. In this juncture, this court relies upon the judgment of **our Hon'ble Supreme Court in Levaku Pedda Reddamma v. Gottumukkala Venkata Subbamma, dated 17.05.2022 as;**

“ We find that the trial Court as well as the High Court have gravely erred in law in not permitting the defendants to produce documents, the relevance of which can be examined by the trial Court on the basis of the evidence to be led, but to deprive a party to the suit not to file documents even if there is some delay will lead to denial of justice. It is well settled that rules of procedure are hand-maid of justice and, therefore, even if there is some delay, the trial Court should have imposed some costs rather than to decline the production of the documents itself. Consequently, the appeal is allowed. ”

In the light of the above mentioned dictum of our Hon'ble Supreme Court, it was clarified that the procedure is only hand - maid of justice and the relevancy of the document that were sought to be filed must be tested only in trial, hence the petitioner / 1st defendant can be permitted to file additional documents even with delay by imposing cost.

v. By following the above cited dictum of our Hon'ble Apex Court in the case in hand, this court is of the view that inspite of the procedural lacuna on the part of the petitioner / 1st defendant, that the documents were not filed initially, in order to provide fair opportunity to the parties, this petition can be allowed to let in the documents on the petitioner / 1st



Fair Order / Draft Order

defendant side to counter the plaintiff's case. Further the 1st respondent / plaintiff had averred that the documents were not connected to the suit but the petitioner in her affidavit had mentioned that the petition mentioned documents were necessary to decide the case, hence there cannot be any procedural irregularity in allowing the petitioner / 1st defendant to file the documents as defendants side evidence. Further as this petition was filed during defendants side evidence, this court cannot see any delay tactics by the petition, thereby this court inclined to allow this petition without cost.

6. ***In the result***, the petition is allowed, without cost.

Directly dictated to the Stenographer and computerized error checked and pronounced in the open court on 02nd day of December 2025.

District Munsif,
Vadipatti.

Petitioners side witness : Nil

Petitioners side documents:

1.	1 st defendant family card
2.	1 st defendant aadhar card
3.	Transfer Certificate of Kodeeswari
4.	Aadhar card of Kodeeswari
5.	Voter Id of Kodeeswari
6.	Income Certificate of Kodeeswari
7.	Community Certificate of Kodeeswari
8.	Native Certificate of Kodeeswari

Respondents side witness and documents: Nil



Fair Order / ~~Draft Order~~

*Directly dictated to the Stenographer and computerized, error checked and pronounced in the open court on **02nd day of December 2025.***

District Munsif,
Vadipatti.



Fair Order / ~~Draft Order~~

DISTRICT MUNSIF COURT
Vadipatti
Fair Order/~~Draft Order~~
IA. No.02/2025
In
O.S. No.9/2024
Date : 02.12.2025