



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 05th day of December 2025

CNR. No.TNMD190001142019

IA. No.5/25, 6/25 and 7/25

In

O.S. No.63 / 2019

1. Kuppaiyandi,
S/o. Ramasamy Maniyam

---- *Petitioner / Plaintiff*

//Versus//

1. Karuppasamy,
S/o. Kuppaiyandi

---- *Respondent / Defendant*

These petitions were filed before this Court on 23.10.2025 coming before me for final hearing on 05.12.2025, Advocate Thiru. C. Selvakumar appeared for the Petitioner / Plaintiff, Advocate Thiru. R. Godeeswaran appeared for the Respondent / Defendant. Upon hearing the arguments advanced by both sides' and upon perusing the available material records, today this Court has delivered the following....

COMMON ORDER

1. Since the petitions are arising out of the same suit, parties are also same and connected to same stage of the suit, this court is inclined to pass a common order.



Fair Order / ~~Draft Order~~

2. I.A. No. 5 of 2025:

This petition was filed under section 151 of C.P.C. to reopen Pw.1 side evidence for marking additional documents.

3. I.A. No. 6 of 2025:

This petition was filed under order 18 rule 17 of C.P.C. to recall Pw.1 for marking additional documents.

4. I.A. No. 7 of 2025:

This petition was filed under sec.151 of CPC to file additional document by the petitioner / plaintiff in the main suit.

5. Petition averments in brief:

The petition contention was that the petitioner was the plaintiff in the main suit. In the main suit both side evidences were over and the case was posted for arguments. The petitioner / plaintiff could not file the document mentioned in the petition I.A. No. 7/2025 at the time of filing of suit, it was only found at present during cleaning his house. This document was vital for the petitioner to prove his case. Hence the petitioner filed this petition, seeking leave of this court to file additional document, reopen plaintiff side evidence and to recall Pw.1.

6. Counter averments in brief:

The respondent / defendant filed counter by denying the entire petition contentions and stated that the document filed with this petition must be filed with the suit. Further the reason stated by the petitioner was not convincing. The nature of the documents were not mentioned in the petition. Hence this petitioner filed these petitions only to delay the suit proceedings. Thereby these petitions were filed to fill up the lacunae in this case. Hence these petitions were filed without any merits and must be dismissed.



7. Points for determination : I. Whether the petition in I.A. No. 7 of 2025 can be allowed?

i. Records perused. Heard both sides. Admittedly the main suit was filed for declaration and permanent injunction. In the suit trial was completed and was pending for arguments. In such stage, the petitioner had filed this petition to receive additional documents on the plaintiff side. The petitioner's contention was that the petition mentioned document was necessary to decide the suit, and they were found only at present. On the other hand, the respondent challenged the petition stating that this petition was filed only to delay the main suit proceeding.

ii. In the case in hand from perusing the entire records, the petitioner / plaintiff had stated in his petition that the document 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 / plaintiff can be permitted to file additional document even with delay by imposing cost.

iii. 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 /



Fair Order / ~~Draft Order~~

plaintiff, even though the document was not filed initially with the plaint but as the reason stated in the petition was convincing and for providing fair opportunity to meet the ends of justice, this petition can be allowed to let in additional document. Further the respondent had averred that the documents were at argument stage. Hence as directed by the judgment of our Hon'ble Apex Court relied above, this court is inclined to allow this petition with cost. As the respondent had to again cross examine the Pw.1, the petitioner had to compensate the respondent hence this court orders exemplary cost of Rs.1500/-.

II. Whether the petition in I.A. No. 5 of 2025 can be allowed?

This petition was filed under section 151 of C.P.C. to reopen plaintiff side evidence for marking additional document. As discussed above, this court had concluded that the petition mentioned documents were necessary to prove the petitioner / plaintiff side case, hence it is necessary to reopen the plaintiff side evidence to mark the additional document. But as the petition was filed at the fag end of trial, this court is inclined to allow this petition on cost.

III. Whether the petition in I.A. No. 6 of 2025 can be allowed?

This petition was filed under order 18 rule 17 of C.P.C. to recall Pw.1 for marking additional document. As discussed above, this court had concluded that the petition mentioned document was necessary to prove the petitioner / plaintiff side case, hence it is necessary to recall Pw.1 to mark the additional documents. But as the petition was filed at the fag end of trial, this court is inclined to allow this petition on cost.

8. *In the result*, the petitions in I.A. No. 5 of 2025, I.A. No. 6 of 2025 and I.A. No. 7 of 2025 are allowed, with cost of Rs.1500/- each (Total cost Rs. 4500/-). Cost to be paid to the respondent on or before next hearing date in the main suit.



Fair Order / ~~Draft Order~~

Directly dictated to the Stenographer and computerized error checked and pronounced in the open court on *05th day of December 2025*.

District Munsif,
Vadipatti.

Petitioner side witness: Nil

Petitioner side document in I.A. No.7 of 2025:

1.	2010 – 2025 - House tax receipt
----	---------------------------------

Respondent side witness and documents: Nil

District Munsif,
Vadipatti.



Fair Order / ~~Draft Order~~

DISTRICT MUNSIF COURT

Vadipatti

Fair Order/~~Draft Order~~

IA. No.5, 6 and 7/2025

In

O.S. No.63 / 2019

Date : 05.12.2025