

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 19th day of February 2026**CNR. No.TNMD190001152022****IA. No.5/2026****In****O.S. No.111/2022**

1. Kalaiselvai,
W/o. Pappu Reddy
2. Saranya,
D/o. Pappu Reddy
3. Vinoth,
S/o. Pappu Reddy

.... Petitioners / D2 to D4***//Versus//***

1. Kamala,
W/o. Natarajan
2. Amudhavani,
D/o. Natarajan
3. Rajadurai,
S/o. Natarajan

.... Respondents / Plaintiffs

This petition is filed before this Court on 09.02.2026 and coming before this court for final hearing on 19.02.2026 in the presence of Advocate Thiru. Sahul Hameed appeared for the petitioners / D2 to D4, Advocate Thiru. R.G. Shankar Ganesh appeared for Respondents / Plaintiffs. Upon hearing the arguments advanced by both side's counsel and upon perusing the available material records, today this Court has delivered the following....

ORDER

1. This petition was filed under order 7 rule 14(3) of C.P.C. but considering the rank of the parties in the main suit and the relief sought in this petition is considered under order 8 rule 1A of C.P.C.

2. *Petition averments in brief:*

The petition contention was that, the petitioners were the defendants in the main suit. The main suit was filed for declaration and consequential injunction by the respondents / plaintiffs. This petitioners were contesting the case by asserting that title to the suit property devolved upon the respondents under a Will dated 20.12.2020 alleged to have been executed by their grandfather, Ramachandran. But he was in hospital on that day and in care of the petitioners and one Mangaleswari. After demise of the said Ramachandran, the documents filed with this petition were taken away by the said Mangaleswari. Hence the petitioners could not file the schedule mentioned documents at the time of filing written statement in the main suit. Only at present the petitioners collected these documents from the said Mangaleswari. Those documents 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:*

i. The respondents / plaintiffs filed counter by denying the entire petition contentions and stated that the petitioners had filed this petition to receive additional documents to prove their case. But the documents proposed to be filed were forged documents. Further on the date of execution of the alleged Will dated 20.12.2020, Ramachandran was undergoing inpatient treatment was false. The said plea has been falsely pleaded and concocted for the purpose of the present proceedings and the same has to be established only by examining the concerned doctor, who is alleged to have issued the medical records. The doctor's name or hospital name was not disclosed in the petition. Therefore, the documents were neither

admissible nor necessary for the adjudication of the suit. Hence, the petition is liable to be dismissed in limine.

4. The petitioner to prove her case had filed 3 documents on their side. The respondents did not let in any evidence in this proceedings.

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 genuinity of Will and for declaration of title with consequential injunction. The suit was in defendant side evidence. The petitioner / defendants 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 respondents / plaintiffs challenged the petition stating that the petition mentioned documents were not relevant to the suit and the petitioners were not its authors. Thereby the burden of proving the said documents lies entirely upon the petitioners and the same can be established, only by examining the concerned medical officer.

ii. The petitioner during their arguments had relied upon 3 documents to substantiate their case; 1) medical bill, 2) Final bills and 3) Medical lab report relating to the deceased Ramachandran dated 22.12.2020. The respondents did not let in any documents on their side.

iii. This petition was delt 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—

(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 defendants shall be listed out and filed along with the written statement. Further the documents 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 / defendants 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 petitioners / defendants 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 petitioners / defendants, 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 petitioners / defendants side to counter the plaintiff's case. Further the respondents / plaintiffs had averred that the documents were forged, not connected to the suit and it can only be marked through its author were the objections to be decided at the time of marking the documents. The petitioners had pleaded as that the petition mentioned documents were necessary to decide the case, hence there cannot be any procedural irregularity in allowing the petitioners / defendants to file the documents as defendants side documents. 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 19th day of February 2026.

District Munsif,
Vadipatti.

Petitioners side witness : Nil

Petitioners side documents:

1.	Medical Bills
2.	Final Bills
3.	Medical Lab report dated 22.12.2020

Respondents side witness and documents: Nil

District Munsif,
Vadipatti.

DISTRICT MUNSIF COURT
Vadipatti
~~Fair Order/Draft Order~~
IA. No.05/2026
In
O.S. No.111/2022
Date : 19.02.2026