

IN THE COURT OF DISTRICT MUNSIF, VADIPATTI, MADURAI DT.**Present : Thiru. M.P. Ramkishore, B.E., BL., (Hon's)**

District Munisf, Vadipatti

Dated this the 15th day of July 2025**IA. No.02 / 2025****In****O.S. No.47 /2017****CNR. No.TNMD190001932017**

M. Manoharan,

S/o. Muthu Karuppan @ Periya Samban

---- *Petitioner / Defendant***//Versus//**

M. Arumugam

S/o. Muthukaruppan

---- *Respondent / Plaintiff*

This petition was filed before this Court on 04.04.2025 coming before me for final hearing on 15.07.2025, Advocate Thiru. K. Vijayakumar appeared for Petitioner / Defendant and Advocate Thiru. A. Veluchamy appeared for Respondent / Plaintiff. Upon hearing the arguments advanced by both the sides' counsel and upon perusing the available material records, today this Court has delivered the following....

ORDER

1. This petition was filed under order 8 rule 1 A (3) of CPC to file additional documents by the petitioner / defendant in the main suit.

2. **Petition averments in brief:**

The petition contention was that, the petitioner was the defendant in the main suit. The respondent filed the main suit for Permanent injunction. Further the petition contention was that, the documents filed with this petition could not be filed along with the written statement since there was a delay in obtaining the said documents from the registration department. The documents mentioned in the petitions were necessary for the main case. Hence, the petitioner / defendant filed this petition, seeking leave of this court to file additional document.

3. **Counter averments in brief:**

The respondent / plaintiff filed counter by denying the entire petition contentions and stated that the petition mentioned documents did not file with the written statement and they were not connected to the suit. The petitioner had not taken any step to file those document for the past 8 years. This petition was filed only after the plaintiff's side evidence was closed. The reason for delay was not explained with proof. This petition was only filed to delay the suit hence, this petition must be dismissed.

4. The petitioner filed 4 documents with this petition, which are as follows: 1. Patta dated 27.01.2016 2. Family Card, 3. Defendant aadhar card, Affidavit of Notary Public. The respondents did not file any documents.

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

i. Heard both sides. Records perused. Admittedly the main suit was filed for Permanent injunction. The suit pending for defendant side evidence. The petitioner / defendant had filed this petition to receive additional document 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 challenged the petition stating that the documents filed with this petition were not filed at the time of filing of written statement and the reason for delay in filing this petition to file additional documents was not explained.

ii. **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—

(a) produced for the cross-examination of the plaintiff’s witnesses, or

(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 defendant shall be listed out and filed along with the written statement. If it was not in his possession then the defendant must disclose the possessor of the document. Further, the document not filed with the written statement can only be filed with the leave of the court.

iii. In the case in hand from perusing the entire records, the petitioner / defendant 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 petitioners / defendants can be permitted to file additional document even with delay by imposing cost.

iv. By following the above cited dictum of our Hon'ble Apex Court in the case in hand, this court is of the view that in spite of the procedural lacuna on the part of the petitioner / defendant, that the document was not filed initially, but in order to provide fair opportunity to the parties, this petition can be allowed to let in the documents on the petitioner / defendant side to counter the plaintiff's case. Further, the respondent had averred that the documents were not connected to the suit but the petitioner in his affidavit had pleaded that the petition mentioned documents were necessary to decide the main suit, hence there cannot be any procedural irregularity in allowing the petitioner / defendant to file the documents as defendants side evidence. Further in the main suit, the plaintiff's side evidence was only closed on 03.02.2025 and this petition was filed during the stage of defendant side evidence, hence this petition was not filed to drag on the proceeding. In

such circumstance, this court is not inclined to impose cost to the petitioner. The relevancy and admissibility of the documents filed shall be dealt in trial proceeding.

6. **In the result**, this petition is allowed, no cost.

Directly dictated to the Stenographer and computerized, error checked and pronounced in the open court on 15th day of July 2025.

District Munsif,
Vadipatti.

Petitioner side evidence : Nil

Petitioner side documents :

1.	Patta dated 27.01.2016
2.	Family Card
3.	Aadhar Card of defendant
4.	Affidavit of Notary Public

Respondent side evidence and documents: Nil

District Munsif,
Vadipatti.

DISTRICT MUNSIF COURT

Vadipatti

Fair Order/~~Draft Order~~

IA. No.02/2025

In

O.S. No.47/2017

Date : 15.07.2025