

IN THE COURT OF THE DISTRICT MUNSIF OF UDHAGAMANDALAM

Present: **Thiru. L.PRAKASH., B.Sc., B.L.,**
DISTRICT MUNSIF, UDHAGAMANDALAM.

Saturday, the 06th day of June 2026

I.A. No. 11 of 2026
in
O.S. No. 01 of 2016
(C.N.R. No. TNNS030 – 00003 - 2016)

The Commissioner,

Udhagamandalam Municipality.

... Petitioner/Defendant No. 2

/VS/

L. Kumar

... Respondent/Plaintiff

/Vs/

Jayamma and others

... Respondents/Defendants

This petition came on 24.04.2026 for final hearing before me in the presence of Mrs. K. Menega, learned Counsel for the Petitioner/Defendant No. 2 and of Mr. Chandramohan, learned Counsel appearing for the Respondent/Plaintiff and of Mr. N. Narayanan Kutty, learned Counsel for the Respondent/Defendant No. 6 and the Respondents/Defendants No. 7 remains exparte in the main suit and the Respondent/Defendant No. 8 remains exparte and the Respondents/ Defendants No. 3, 4 and 9 reported dead, upon hearing both sides, and upon considering case records carefully, this court passes the following

ORDER

1. This petition is filed Under Order VIII Rule 1(A)(3) of the Code of Civil Procedure, praying to receive the additional document (i.e., Copy of proceedings) in the interest of justice.

Gist of Petition and affidavit:

2. The petitioner/2nd defendant states that, he filed this petition seeks to receive the additional document relating to the building license/Municipal proceeding and official records, they could not be filed earlier due to administrative reasons, the said proceedings are very essential and relevant for proper adjudication of the case. The non-filing of these documents earlier was not willful, but due to inadvertence. No prejudice would be caused to the respondent/plaintiff if these additional documents are received. Hence prays to receive the additional documents.

Gist of Counter statement of Respondent/plaintiff:

3. The respondent/plaintiff in his counter statement opposing the petition, it is contended that, the petition is false, frivolous and unsustainable both in law and on facts of the case. He confirmed that, the petitioner has filed the proof affidavit and produced seven documents. The description of the documents filed along with the proof affidavit are marked and exhibited and the same have not been described either in the petition or in the affidavit. The description of the documents sought to be exhibited and marked are manipulate and belated and produced at the fag end of the trial. Hence prays to dismiss the petition with compensatory costs.

4. On the other hand the respondent/defendant No. 6 endorsed "No Counter" for this petition and the respondent/defendant No. 8 has not filed any counter despite sufficient time given, and set exparte. Hence the respondents/defendants No. 6 and 8 has not filed any coutner for this petition.

Discussion:

5. Heard both sides, petition, counter statement and case records perused carefully. The point for consideration in this petition is that, whether the petitioner/2nd defendant has made out sufficient grounds for receiving the additional

documents at this stage of the proceedings. This petition is filed under Order VIII Rule 1(A)(3) of the Code of Civil Procedure, praying to receive the additional document, namely, copy of proceedings, in the interest of justice.

6. The case of the petitioner/2nd defendant is that the additional document sought to be produced relates to building licence/Municipal proceedings and other official records. According to the petitioner, the said documents could not be filed earlier due to administrative reasons. The documents are stated to be essential and relevant for proper adjudication of the issues involved in the suit. The non-production of the documents at the earlier stage was neither wilful nor deliberate, but only due to inadvertence. Hence, the petitioner seeks permission to receive the additional documents.

7. The respondent/plaintiff filed a counter statement opposing the petition contending that the petition is false, frivolous and unsustainable. It is contended that the petitioner had already filed proof affidavit and produced documents, some of which have already been marked in evidence. According to the respondent/plaintiff, the documents now sought to be produced have not been properly described either in the petition or in the supporting affidavit. It is further contended that the documents are sought to be produced at the fag end of the trial and there is every possibility of prejudice being caused to the respondent/plaintiff. Hence, the respondent/plaintiff prayed for dismissal of the petition with compensatory costs. The respondent/defendant No.6 endorsed "No Counter". The respondent/defendant No.8 has not filed any counter despite sufficient opportunity and was set ex parte. Hence, respondents/defendants Nos.6 and 8 have not seriously opposed the petition.

8. It is seen from the records that the original suit has been filed in the year 2016 for the reliefs of declaration and consequential permanent injunction and the

suit is now at the stage of evidence on the side of the 2nd defendant. The evidence on the side of defendants 6 and 8 has already been closed. The petitioner/2nd defendant had earlier been set ex parte and subsequently got the ex parte order set aside and is presently adducing evidence as DW3.

9. The documents sought to be produced are stated to be copies of building licence/Municipal proceedings and other official records. The petitioner has specifically stated that the documents could not be produced earlier due to administrative reasons. The nature of the documents indicates that they are official records and their relevancy and evidentiary value can be considered at the time of appreciation of evidence. Mere reception of documents does not amount to proof of their contents.

10. The Hon'ble Supreme Court in ***Sushil Kumar Jain v. Manoj Kumar and Another, (2009) 14 SCC 38***, has observed that procedural provisions are intended to advance the cause of justice and should not be applied in a manner that defeats substantial justice. It is equally well settled that where reception of documents is necessary for effective adjudication of the dispute, the Court may permit their production, subject to appropriate terms and safeguarding the rights of the opposite party.

11. The respondent/plaintiff will have sufficient opportunity to object to the marking of the documents, to cross-examine the witness regarding the same and to advance arguments on their admissibility and evidentiary value. Therefore, no irreparable prejudice would be caused to the respondent/plaintiff by mere reception of the documents.

12. However, this Court cannot overlook the fact that the suit is of the year 2016 and has been pending for more than ten years. The petitioner/2nd defendant is therefore required to proceed with the evidence diligently and without causing any further delay in the disposal of the suit. Accordingly, the petition deserves to be allowed on terms.

RESULT:

13. *In the result, this petition is allowed subject to payment of costs of Rs.500/- (Rupees Five Hundred only) by the petitioner/2nd defendant to the respondent No.1/plaintiff on or before 09.06.2026.*

14. *The additional document, namely, copy of proceedings relating to building licence/Municipal proceedings and official records, is ordered to be received, subject to proof, relevancy and admissibility in accordance with law.*

15. *The petitioner/2nd defendant is directed to proceed with the examination of witnesses and co-operate for early disposal of the suit without seeking unnecessary adjournments, considering that the suit is of the year 2016.*

16. *Call on 09.06.2026 for reporting compliance of payment of costs.*

This order is dictated to the steno - typist, typed by her in computer, corrected by me and pronounced by me in the open court on this 06th day of June 2026.

**District Munsif,
Udhagamandalam.**

Draft/Fair Order:

**I.A. No. 11/2026
in**

O.S. No. 01/2016

Date: **06.06.2026**

**District Munsif Court,
Udhagamandalam.**