

IN THE COURT OF THE DISTRICT MUNSIF OF UDHAGAMANDALAM

Present: **Thiru. L.PRAKASH., B.Sc., B.L.,**
District Munsif, Udhagamandalam

Friday, the 10th day of October 2025

I.A. No. 06 of 2025

in

I.A. No. 03 of 2025

in

O.S. No. 14 of 2016

(C.N.R. No. TNNS030 - 00027- 2016)

Shanthi

... Petitioner/Petitioner/ Defendant

/VS/

Mary

... Respondent/ Respondent /Plaintiff

This petition came on 09.10.2025 before me for final hearing in the presence of Mr. R. Sugumaran, learned counsel for the Petitioner/Petitioner/Defendant and of Mr. K. Vijayan, learned Counsel for the Respondent/ Respondent/ Plaintiff, upon hearing both side and considering case records carefully, this court passes the following

ORDER

1. This petition is filed under section 151 of the Code of Civil Procedure, praying to permit the petitioner herein to file an additional affidavit in the petition filed under Order 8 Rule (3) A in I.A. No. 03 of 2025.

Gist of Petition and affidavit:

2. The brief averment of petition is that, the petitioner herein is the defendant in the main case and he filed a petition under Order 8 Rule (3) (A) in I.A. No. 03 of 2025 to permit him to produce additional documents, in the affidavit filed along with that petition due to oversight and inadvertence the reason for non-filing of the documents 1 to 3 was not assigned, it is neither willful nor deliberate and the same is beyond his control, unless it is permitted to file additional affidavit the petitioner will be put to very great loss and hardship, therefore prays to allow this petition.

Gist of Counter Statement:

3. On the other hand the respondent in his counter statement submitted that, the written statement filed in O.S. No. 62 of 2022 is not binding the respondent, the respondent in his counter statement already submitted that the reason for delay is not mentioned, now this petition as afterthought filed with vague explanation to fill in the lacunae in their earlier petition, hence this petition has to be dismissed in limine, if the petition is allowed it will lead to waste of Judicial time and undue advantage of petitioner's own wrong, hence prays to dismiss this petition.

Points for consideration:

4. Heard both sides. Petition, Counter statement, documents filed along with this petition and the case records perused carefully. The point for consideration in this petition is that, whether this petition is liable to be allowed or not. This is an application filed by the petitioner to permit him to file an additional affidavit in the petition filed in I.A. No. 03 of 2025 under Order VIII Rule (3)(A) CPC, seeking leave of this Court to receive certain additional documents, as in the earlier affidavit the reason for non-filing the document earlier was omitted due to oversight and inadvertence.

5. On the other hand Respondent has filed a counter, strongly opposing the petition on the grounds that, the documents sought to be introduced in I.A. No. 03 of 2025 are irrelevant and the petitioner could not be permitted to fill up the lacunae in his affidavit and he could not be permitted to benefitted on his own wrong.

6. This Court has carefully considered the submissions and objections raised by both parties and examined the legal principles relevant to the application. The petitioner/defendant has filed this petition praying to permit him to file an additional affidavit in the petition filed for receiving additional documents. In the affidavit filed in support of the petition, it is stated that due to oversight, the reason for delay in filing the said documents was not mentioned in the earlier affidavit and hence seeks permission to file an additional affidavit to incorporate the same. The respondent/plaintiff filed a counter and strongly objected to the petition on the ground that after the filing of the counter statement, the petitioner cannot be permitted to fill up the lacuna in the earlier petition by way of an additional affidavit and that the petition is not maintainable.

7. This Court has carefully considered the rival submissions and perused the records. It is well settled principle of law, that procedural law is intended to advance the cause of justice and not to defeat it. The purpose of filing an additional

affidavit is only to explain the omission and to place the correct facts on record. No prejudice would be caused to the respondent if the same is received, as the respondent would always have an opportunity to put forth his objections on merits.

8. Hence, as per the discussion made above, this Court is of the view that the ends of justice would be met if the petitioner is permitted to file the additional affidavit, subject to the payment of a sum of Rs.500/- as nominal cost to the respondent.

Result:

9. *In the result, this petition will be allowed on payment of cost Rs.500/- (Rupees Five Hundred only) to the Respondent/Respondent/Plaintiff on or before 15.10.2025. For compliance call on 15.10.2025.*

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 the 10th day of October 2025.

**District Munsif,
Udhagamandalam.**

Draft/Fair Order:

I.A. No. 06/2025

in

I.A. No. 03/2025

in

O.S. No. 14/2016

Date: **10.10.2025**

**District Munsif Court,
Udhagamandalam.**