

IN THE COURT OF THE DISTRICT MUNSIF OF UDHAGAMANDALAM

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

Thursday, the 16th day of October 2025

I.A. No. 03 of 2025
in
O.S. No. 14 of 2016
(C.N.R. No. TNNS030 - 00027- 2016)

Shanthi

... Petitioner/ Defendant

/VS/

Mary

... Respondent/ Plaintiff

This petition came on 15.10.2025 before me for final hearing in the presence of Mr. R. Sugumaran, learned counsel for the Petitioner/Defendant and of Mr. K. Vijayan, learned Counsel for the Respondent/ Plaintiff, upon hearing both side and considering case records carefully, this court passes the following

ORDER

1. This petition is filed under Order VIII Rule (3) A of the Code of Civil Procedure, praying to condone the delay in producing 3 documents on the defendant's side and to receive the said documents.

Gist of Petition and affidavit:

2. The brief averment of petition is that, the petitioner is the defendant in the above case, he is intending to file the certified copy of the written statement filed in O.S. No. 62 of 2022 by the defendants 2, 3 and 4 in that case and a photo stat copy of the document issued by the Udhagamandalam Municipality as additional documents in the above case, since the documents are dated subsequent to the filing of the written statement in the above suit, they were not filed along with the written statement, hence prays to permit the petitioner/defendant to produce the 3 additional

documents in the above case.

Gist of Counter Statement:

3. On the other hand the respondent in his counter statement submitted that, written statements filed in O.S. No. 62 of 2022 by the defendants 2 to 4 of that case and the copy of the order dated 01.02.2016 issued by Ootacamund Municipality will not bind the respondent/plaintiff in this case, the petitioner had not assigned reason for not filing the documents earlier, pleading in one proceeding cannot be read as evidence in another suit, there is no evidentiary value to the proposed documents and hence prays to dismiss the petition with cost.

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/defendant under Order VIII Rule (3) A of the Code of Civil Procedure, seeking leave of this Court to receive certain additional documents which were previously unavailable as those documents are subsequent to the filing of the written statement.

5. On the other hand Respondent strongly opposing the petition on the grounds that, the documents sought to be introduced are not having any evidentiary value and the pleadings in the other case cannot be permitted as documents in this case and the order of the Municipal Commissioner will not bind the respondent/plaintiff and the petitioner had not stated reason for producing the documents belatedly.

6. This Court has carefully considered the submissions and objections raised by both parties and examined the legal principles relevant to the application. Under Order VIII Rule (3)(A) of the Code of Civil Procedure, a defendant may be permitted to file documents at a later stage if sufficient cause is shown.

7. In this regard, the Honourable Supreme Court of India in the case of ***R.V.E. Venkatachala Gounder v. Arulmigu Viswesaraswami & V.P. Temple [(2003) 8 SCC 752]***, held that ***“while relevancy and evidentiary value are matters for trial, production of documents should not be denied outright if they assist the court in resolving the real dispute.”***

8. The Honourable Madras High Court in the case of ***M. Raja v. Tmt. Andal & Ors. [CDJ 2018 MHC 3854]*** has reiterated that, ***“courts should be guided by substantive justice over technicalities, especially in civil disputes involving property.”***

9. The Hon’ble Supreme Court in the case of ***K.K. Velusamy v. N. Palanisamy, (2011) 11 SCC 275***, has held that, ***“The procedural law is not to be applied in a rigid or technical manner so as to defeat the cause of justice. If allowing a party to produce documents even at a belated stage does not prejudice the other side, and helps in proper adjudication, such prayer should normally be allowed with suitable costs.”***. Further, in the case of ***Sayed Muhammad Mashur Kunhi Koya v. C.P. Shankar, (1970) 1 SCC 630***, the Apex Court held that, ***“Rules of procedure are intended to advance the cause of justice and not to be a hurdle.”***

10. The Honourable High Court of Madras in the case of ***R. Arumugham v. V. Shanmugam, 2010 (2) CTC 150***, has reiterated that, ***“When documents are shown to be relevant and necessary for effective adjudication, the Court should adopt a liberal approach and permit production at a later stage, subject to costs.”***

11. While considering the facts of the present petition, the above main suit is filed by the plaintiff to restrain the defendant and her men from disturbing the possession and enjoyment of the suit property, a right of way, by the plaintiff, the same was defended by the defendant alleging that, there is no encroachment by the defendant and the alleged suit property is not absolutely belongs to the plaintiff and it is a com-

mon right of way. Hence, in such circumstances, the written statement filed by the Revenue authority and the Municipal authority in a subsequent suit in respect of the suit property filed by the petitioner/defendant against the respondent/plaintiff and others and the order passed by the Municipal Commissioner are prima facie seems relevant to decide the issues involved in this suit. The explanation offered by the petitioners for the belated production of the documents appears bonafide and reasonable. The delay is not deliberate or mala fide.

12. The petitioners have to be given the opportunity to present a full defence, and the documents sought to be filed though their evidentiary value is disputed may assist the Court in deciding the issues involved in this suit. The objection raised by the respondent/plaintiff that, the pleadings submitted in the other case is not to be considered as evidence in this case is not acceptable under law. Whether those documents are admissible or not is a matter to be tested during trial, through cross-examination and evidence, and cannot be rejected at the threshold. No serious prejudice will be caused to the respondent as sufficient time and opportunity can be given to challenge or rebut the documents during the time of cross examination of the Dw-1.

13. Applying the above principles, and having considered the nature of the documents filed along with this petition, this Court finds that the petitioners have made out a prima facie case for the reception of the documents. The admissibility, authenticity, and evidentiary value of the said documents shall be determined during the trial. Objections raised by the respondent as to admissibility or relevance can be appropriately addressed at the stage of cross-examination. Accordingly, this Court inclines to allow the application, however considering the fact that, the main suit was filed in the year 2016 and there is considerable delay in filing the proposed documents, this court finds it is necessary to impose reasonable cost of Rs.500/- (Rupees Five Hundred Only) to meet the ends of Justice.

Result:

14. In the result, this petition will be allowed on payment of cost Rs.500/- (Rupees Five Hundred only) to the Respondent/ Plaintiff on or before 23.10.2025. For compliance call on 23.10.2025.

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 16th day of October 2025.

**District Munsif,
Udhagamandalam.**

Draft/Fair Order:

**I.A. No. 03/2025
in
O.S. No. 14/2016**

Date: **16.10.2025**

**District Munsif Court,
Udhagamandalam.**