

**IN THE COURT OF THE DISTRICT MUNSIF OF UDHAGAMANDALAM
THE NILGIRIS**

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

Friday, the 17th day of April 2026

I.A. No. 08 of 2026
in
O.S. No. 97 of 2016
(C.N.R. No. TNNS030 - 00304 - 2016)

1. M.J. Subban

2. P. Suresh Babu

... Petitioners/Defendants

/VS/

J. Ravindaran

... Respondent/Plaintiff

This petition came on 17.04.2026 for final hearing before me in the presence of Mr. B.S. Sivakumar, learned Counsel for the Petitioners/Defendants and of Mr. Pon Ramachandran, learned Counsel appearing for the Respondent/Plaintiff, 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 3 of the Code of Civil Procedure, praying to permit the petitioners/defendants to produce the documents mentioned in the accompanying petition with the leave of this court.

Gist of Petition and affidavit:

2. The 1st petitioner/defendant No. 1 states that, in the above case certain documents mentioned in the accompanying petition could not be filed along with the

written statement, as the same was misplaced, which caused a delay in filing the documents. He further states that, the failure to produce these documents earlier was neither intentional nor deliberate. Unless the petition mentioned documents are not allowed, it would cause great loss and hardship. Hence prays to permit the petitioners/defendants to produce the petition mentioned documents.

Gist of Counter statement:

3. On the other hand the respondent/plaintiff in his counter statement opposing the petition, stating that, the petitioners/defendants never pleaded in their written statement or chief examination about the alleged building plan approval dated 13.11.2014 issued by the Ullathy Village Panchayat in favour of the 1st petitioner, and therefore cannot introduce a new case at this stage. The respondent/plaintiff further argues that any document or evidence without proper pleadings has no evidentiary value. Hence, prays to dismiss the petition with costs.

Points for Consideration:

4. The point that arises for consideration is whether the petitioners have shown sufficient cause for non-production of the documents along with the written statement and whether this petition is liable to be allowed.

Discussion:

5. The learned counsel for the petitioners submitted that though the respondent has contended absence of pleadings, the defendants have in fact referred to the relevant documents in their written statement as well as in the chief examination, but could not file the same earlier due to misplacement.

6. Per contra, the learned counsel for the respondent reiterated that there is absolutely no pleading regarding the building plan approval and therefore, the petitioners cannot be permitted to introduce a new case at this stage. It is further

submitted that no amount of evidence without pleading can be looked into.

7. On perusal of the records, it is seen that the suit is one for declaration, filed in the year 2016. The written statements were filed on 24.11.2016 and 08.12.2016 and an additional written statement was filed on 11.01.2019. At present, the case is at the stage of continuation of chief examination of D.W.1. At this stage, the present petition has been filed seeking to receive additional documents, namely two registered sale deeds of the year 1975 and one original building plan approval dated 13.11.2014.

8. It appears that the said documents were very much available at the time of filing of the written statements. The explanation offered by the petitioners is that the documents were misplaced and hence could not be produced earlier. However, no satisfactory or convincing explanation has been offered for the delay in producing the documents at the earliest stage.

9. At the same time, considering the nature of the suit, which is one for declaration regarding the validity of a registered sale deed dated 01.04.2016, and as the defendants are contesting the claim, this Court is of the view that an opportunity may be granted to the defendants to produce the documents, so that the matter can be adjudicated on merits. Further, the plaintiff will have sufficient opportunity to challenge the admissibility, relevancy and genuineness of the said documents during the course of cross-examination.

10. In such view of the matter, though this Court is not satisfied with the explanation offered by the petitioners for the belated production, in the interest of justice, this Court is inclined to allow the petition subject to payment of reasonable costs.

Result:

11. In the result, this petition is allowed on condition that the petitioners/defendants shall pay a sum of Rs.500/- (Rupees Five Hundred only) as costs to the respondent/plaintiff on or before 21.04.2026, failing which this petition shall stand dismissed automatically without further reference to this Court.

12. Upon such payment, the documents are permitted to be received, subject to proof, relevancy and admissibility in accordance with law.

13. For compliance call on 21.04.2026.

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 17th day of April 2026.

**District Munsif,
Udhagamandalam.**

Draft/Fair Order:

**I.A. No. 08/2026
in
O.S. No. 97/2016**

Dated: 17.04.2026

**District Munsif Court,
Udhagamandalam.**