

**IN THE COURT OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,  
PUDUKKOTTAI.**

**PRESENT : Thiru.K.Poorana Jeya Anand, M.A., M.L.,**  
Principal District Judge, Pudukkottai.

Thursday the 02<sup>nd</sup> day of April 2026.  
(Thiruvalluvarandu 2057 Sri Visuvavasu Varudam Panguni Thingal 19<sup>th</sup> day)

**I.A.No.4/2026 in O.S.No.39/2018**

- |                  |        |   |
|------------------|--------|---|
| 1) Muniyandi     | ...    | Petitioner / 1st Defendant                        |
|                  | versus |   |
| 1) Vallikannu    |        |   |
| 2) Sarasu (Died) |        |   |
| 3) Renganathan   |        |   |
| 4) Srinivasan    |        |   |
| 5) Pandimeenal   | ...    | Respondents No.1 to<br>5/Plaintiffs               |
| 6) Govindammal   |        |   |
| 7) Meenakshi     | ...    | Respondents No.6 and 7 /<br>Defendants No.2 and 3 |

This Interlocutory Application has come up for final hearing before me on 01.04.2026 and upon hearing the arguments of Mr.N.C.Radhakrishnan, Learned Advocate appearing for the petitioner and of Mrs.Parveen Banu, Learned Advocate appearing for the respondents No.1 to 5 and of Mr.C.Nagamuthu, Learned Advocate appearing for the respondents No.6 and 7 and upon perusing the available records and having stood over for consideration till this day, this court passed the following...

**ORDER**

- 1) The petitioner has filed this petition under Order VIII, Rule 3 to receive the documents which are mentioned in the petition.

2) **The case of the petitioner is as follows:-**

The petitioner is the 1st defendant in the original suit. The plaintiffs have filed a suit against the petitioner and other defendants seeking partition and separate possession, and the said suit is pending. The case was posted for defendants side witness on 07.03.2026. The documents mentioned in the petition, which are essential to prove his case. The documents were mixed up with various other old documents at his home. The petitioner was only able to search for and find them just now for the purpose of this suit. The documents 1 to 14 are highly essential and relevant to this suit. Therefore, it is necessary and these documents to be marked as exhibits to proceed with the suit. Hence, the petitioner prays to condone the delay in filing these documents, accept them, and grant permission to mark them in the suit. Hence, this petition.

3) **The case of the 6<sup>th</sup> & 7<sup>th</sup> respondent is as follows:-**

This petition is not maintainable either in law or on facts. In paragraph 2 of the affidavit, the petitioner claims that documents essential to proving his case were mixed with various old documents at his home and were only recently found. Further, the petitioner claims that documents 1 to 14 are necessary for the case and prays the court to condone the delay and permit them to be marked. There is no truth in these claims made by the petitioner in his petition. The petitioner/1st defendant has colluded with the plaintiffs to file this suit. This petition, seeking permission to mark documents that have no relevance to the case as evidence on the petitioner's side, causes unnecessary hardship and harassment to these 2nd and 3rd defendants.

The petitioner with bad intention to cause mental agony and expenses, and with the intention to delay the proceedings of the suit. The petitioner with the intention of wasting time the precious time of this court, this petition has been filed 8 years after the suit filed. Hence, the respondents No.6 and 7 prays to dismiss the petition.

4) The learned counsel appearing for the respondents No.1 to 5 made endorsement that they have no counter.

5) **Point that arises for consideration in this Petition is that**

Whether this petition is to be allowed as prayed for?

6) **Point:** Heard both sides. Records perused.

7) The learned counsel appearing for the petitioner has submitted that the documents are found only now and so, the petitioner is not able to produce the documents along with the plaint. Further the learned counsel appearing for the petitioner contended that the documents are essential to decide the issues and so prays for allowing this application.

8) Per contra, the learned counsel for the 6th and 7th respondent has submitted that the petitioner/1st defendant has colluded with the plaintiffs to file this suit. Further, he contended that this petition, seeking permission to mark documents that have no relevance to the case as evidence. Hence, he prays for dismissal of the petition.

9) I have carefully considered the arguments advanced by either side and perused the records.

10) The petitioner filed this application to receive fourteen documents.

11) At this juncture this court has to decide that whether the documents are to be received or not?

12) The petitioner contended that the documents found only now and so the petitioner/1st defendant is unable to produce the documents along with the plaint.

13) The decision reported in **2005 4 MLJ 343, Gurusamy and Ors. Vs. Santhanam, on 18 June, 2005**, wherein it was held as follows:-

**16. By going through the order of the trial Court, it is seen that the trial Court has deviated from the established norms and procedures, when a petition was filed to receive the documents belatedly. Generally, those documents are received subject to proof and relevancy and the admissibility of the documents in evidence should be decided at the time of marking the same as exhibits and at the time of examination of the witnesses, thereby making it as evidence. Till such time, generally, the Court is not expected to go through the admissibility of the document (not barred), since the scope of the petition in this case is to condone the delay and to receive the documents. Mere producing the documents before the Court, whether it is registered or unregistered documents, may not amount to taking the same in evidence as understood in law, and there is further stage for the documents to take a shape of evidence, for relying, only at that stage, the admissibility on the basis of the stamp duty, registration, etc. has to be seen in detail. If the trial Court at that stage comes to the conclusion that the document is inadmissible (even marked) for want of registration, stamp duty, etc. can reject the same.**

**17. In this case, the objection appears to be that the**

document sought to be proved is itself inadmissible in evidence, whereas the objection is not towards the mode of proof, alleging the same to be irregular or insufficient. In this view, as settled by the Apex Court in **R.V.E. Venkatachala Gounder v. Arulmigu Viswesaraswami & V.P. Temple, 2004 (1) LW 728**, merely because a document has been marked as "an exhibit", an objection as to its admissibility is not excluded and is available to be raised even at a later stage or even in appeal or revision. Therefore, there cannot be any difficulty in receiving the document for the purpose of marking the same in evidence and if at all, it is always open to the other party to raise admissibility of the document.

18. It is always open to the Court even to receive the same, subject to the objection, or to reject the same. The trial Court, without adopting this procedure, straight away, dismissed the application, not only the disputed document, but also the other documents, which is untenable, thereby showing the trial Court had not exercised its jurisdiction properly, that too deviating from the procedure adopted, warranting this Court's interference under Article 227 of the Constitution of India.

14) Further the decision reported in **2025-5-L.W.585, M.Sundarrajan Proprietor, Vs. M/s.Ramesh Markteting**, Wherein it was held as follows:-

15. The defendant in its counter has stated that the plaintiff produced these manipulated document with the delay. Whether the documents produced by the plaintiff are genuine documents or manipulated documents is a question to be decided a the time of final disposal based on evidence. At the stage of considering the application for reception of document, the genuineness of the document cannot be considered. In this regard, it would be relevant to refer to

**the judgment of the Apex Court in Sudhir Kumar @ S.Baliyan Vs. Vinay Kumar G.B reported in (2021) 13 SCC 71. The relevant observation reads as follows:-**

**"10.3. Even the reason given by the learned Commercial Court that the invoices being suspicious and therefore not granting leave to produce the said invoices cannot be accepted. At the stage of granting leave to place on record additional documents the Court is not required to consider the genuineness of the documents/additional documents, the stage at which genuineness of the documents, the stage at which genuineness of the documents to be considered during the trial and/or even at the stage of deciding the application under Order 39 Rule 1 that too while considering prima facie case. Therefore, the learned Commercial Court ought to have granted leave to the plaintiff to rely on/produce the invoices as mentioned in the application as additional documents."**

15) In view of the Judgment above, the documents should be received with subject to proof and relevancy. Further, the validity of documents and admissibility and relevancy should be decided only at the time of marking the documents. Hence, this petition is allowed.

16) In the result, this petition is allowed and the documents are received subject to proof and relevancy.

This Order is directly dictated to Stenographer Grade.III of this Court, typed by him in Computer, corrected and pronounced by me in open court, this the 02<sup>nd</sup> day of April 2026.

**Principal District Judge,  
Pudukkottai.**

**Both side Witnesses and Exhibits :- Nil.**

**Principal District Judge,  
Pudukkottai.**