

1.1. The petitioner states that the 1st petitioner herein is the 1st plaintiff in the above suit. The petitioner had filed suit seeking the relief of permanent injunction in respect of the suit properties against the respondent/defendant. The petitioner states that this case was posted for marking of documents on 20.03.2025. Further states that

certain vital documents material to his case were inadvertently misplaced prior to the date fixed for marking of documents. Despite petitioner best efforts and diligent search could not locate the said documents on the date fixed for marking of documents.

1.2. Further states that the said documents have been recovered only on 08.06.2025. The documents are essential and material to prove petitioner case and establish his legal rights in the suit properties. The said documents include sale deed doc.no.7915/2010 deposit of title deeds in doc.no.6966/2012 in the SRO Kaveripakkam and letter of appointment from Indian oil corporation. The delay in producing these documents was not deliberate or with any mala fide intention but was due to circumstances beyond petitioner control. Petitioner have acted with due diligence in recovering the said documents. Therefore pray to allow this application and pass such other orders.

2.Brief Averments of Counter:

2.1. The respondent states that the above application for filing documents relied upon by the petitioner is not sustainable in view of the provisions of sec 65 and 66 of the Indian Evidence Act 1872. Under the provisions of the Indian Evidence Act 1872 unless the loss of the original is not proved secondary evidence is not permissible. The very purpose of the original to be produced is to prove its due execution, signature, attestation. Therefore unless the original documents are produced the validity of the said documents could not be proved by the filing of true copies. In the circumstances stated above the petition lacks of bonafide and liable to be dismissed in limine. Therefore prays to dismiss the above application with cost.

3.Points for consideration:

Whether this petition is to be allowed or not?

There was no oral evidence examined and no documentary evidence was marked on the both side.

4.Discussion and findings:

4.1. Heard both sides. Perused the records. The case of the petitioner is that he has filed suit seeking the relief of permanent injunction in respect of the suit properties against the respondent/defendant. Further states that certain vital documents material to his case were inadvertently misplaced prior to the date fixed for marking of documents. Despite petitioner best efforts and diligent search could not locate the said documents on the date fixed for marking of documents. The said documents have been recovered only on 08.06.2025. The documents are essential and material to prove petitioner case. Hence, filed this petition to reopen marking of documents by PW1.

4.2. Whereas the contention of the respondent is that the documents relied upon by the petitioner is not sustainable in view of the provisions of sec 65 and 66 of the Indian Evidence Act 1872. Unless the loss of the original is not proved secondary evidence is not permissible.

4.3. Upon Perusal of rival submission this court is of opinion that the petitioner has filed this petition to reopen the stage for marking of documents. The contention of the respondent that the document relied by the petitioner is secondary evidence can be decided only at the time of trial. Hence in interest of justice this court is inclined to allow this petition subject to the proof and admissibility of the documents. In Result this petition is allowed. No cost.

Dictated to typist directly, typed in his computer, corrected and pronounced by me in the Open Court on this the 11th day of December 2025.

District Munsif,
Arakkonam.

Petitioner side witnesses and Exhibits:- NIL

Respondent side witnesses and Exhibits:- NIL

District Munsif,
Arakkonam.