

IN THE COURT OF THE DISTRICT MUNSIF, SANKARI

Present: Tmt. R. ELAMATHI, B.A., B.L.,

District Munsif Court, Sankari

Tuesday, the 17th day of February, 2026

திருவள்ளூர்வராண்டு 2056, விசுவாவசு வருடம், மாசி திங்கள் 05-ம் நாள் செவ்வாய்க்கிழமை

I.A. 9/2026 in O.S.144/2001

1. Chinnathambi
 2. Uthirasamy
 3. Sivakumar ... Petitioners / Defendants No.1, 15, 16

//Versus//

1. Marimuthu ... Respondent / Plaintiff
 2. Nachammal (died)
 3. Chinnamuthu (died)
 4. Chinnaponnu
 5. Murugesan
 6. Palanisamy
 7. Chinnathayee
 8. Palaniammal (died)
 9. Iyathammal
 10. Kunjammal
 11. Chinnappillai
 12. Marakkal
 13. Kolandaiammal
 14. Muthuppaiyan ... Respondents / Defendants No.2 to 14

This petition came up for final hearing before me in the presence of Thiru. R.Subramani, Advocate for the Petitioners and Thiru. R.Ramasamy, Advocate for the 1st Respondent and Respondents 5 & 6 were set exparte and R2,R3 and R8 were died and others were remained exparte in suit and upon hearing both side arguments and upon perusing the pleadings and records and having stood over till this day for consideration and this court delivers the following:

ORDER

The Interlocutory Application has been filed by the Petitioners / Defendants No.1, 15, 16 seeking to condone the delay in filing the documents and receive the same on file.

2) The Gists of the Petition:-

2.1) The Petitioners submitted that, the petitioners are 1st , 15th and 16th defendants in main suit.

2.2) The Petitioners submits that, the documents filed along with this petition are already filed along with written statement in O.S.No.21/2002. The certified copies of said documents received from Court only on 11.09.2025. The delay is neither willful nor wanton. Under these circumstance unless this Petition is allowed we will be put to irreparable loss and hardship.

2.3) Therefore it is prayed that this court may pleased to condone the delay of submitting the documents and thus render justice.

3) The Brief Averments of the Counter filed by the 1st Respondent:-

3.1) The Respondent alleges that, the Petition is false, frivolous, not maintainable in law and on facts. The Petitioners are put to strict of the averments made in the affidavit except those that are specifically admitted hereunder.

3.2) The Respondent submitted that, the affidavit mentioned reason for delay of submitting the documents are not correct and the same is not sufficient to allow the petition. The petitioners had suppressed the real facts and filed this petition with ulterior motive.

3.3) This Respondent submits that, there is no merit in the petition. Therefore, prays for dismissal of the petition.

4) Point for consideration:-

Whether the Petitioners are entitled to the relief as prayed for?

5) No oral and documentary evidences were adduced on both sides.

6) Both sides heard. Records have been perused. This Interlocutory Application has been filed by the Petitioners / Defendants No.1, 15, 16 seeking to condone the delay in filing certain documents, namely Registered Will, Patta's and Kist Receipts relating to the suit property and to receive the same on file. The Petitioners have obtained certified copies of the above said documents from Court only recently and that the delay in producing the same was neither wilful nor wanton. It is further stated that unless the documents are received, the petitioners will be put to irreparable loss and hardship. On the other hand the respondent has filed a detailed counter contending that the petition is false, frivolous and vexatious and denied that there was no bonafide delay in obtaining the documents. According to the respondent, the petitioners ought to have produced the documents at the time of filing their Written Statement and that the present petition has been filed without sufficient cause. It is settled law that procedural rules are handmaids of justice and not its mistress. The object of procedural law is to advance substantial justice. At the same time, the Court cannot permit parties to adopt dilatory tactics under the guise of procedural indulgence. Under Order VIII Rule 1 A (3) of CPC, parties are required to produce documents at the earliest stage. However, sub-rule (3) of Order VIII Rule 1A empowers the Court to receive documents at a later stage upon sufficient cause being shown. The expression "sufficient cause" must receive a liberal construction so as to advance substantial justive, provided the delay is not deliberate, malafide or intended to cause prejudice to the opposite party. The Hon'ble Supreme Court has repeatedly held that unless serious prejudice is

caused, Courts should lean in favour of adjudication on merits rather than shutting out evidence on technical grounds. In the present case, the suit is in DW1 chief continuation for marking documents, the documents sought to be produced are Registered Will, Patta's and Kist Receipts relating to the suit property. These documents appear to be material for effective adjudication of the issues involved in the suit. Though the petitioners have not furnished elaborate particulars regarding the exact period of delay and the steps taken to secure the certified copies, the reason assigned is delay in obtaining certified copies. The respondent has not demonstrated any specific prejudice that would be caused if the documents are received, except making a general allegation of protraction. The suit is yet to reach the stage where irreparable prejudice would be caused to the respondent by receiving the documents. If any inconvenience caused the respondents are at liberty to meet the documents by way of additional pleadings or cross-examination. The power to receive documents at a later stage is discretionary and must be exercised indiciously. Denial of opportunity to place relevant title documents on record may result in multiplicity of proceedings and miscarriage of justice. Based upon the discussion made above this Court is of considered opinion as, this petition is allowed subject to proof and relevancy.

7) In the result, this Interlocutory Application is allowed. No cost.

This Order directly dictated to Typist and typed by her and corrected by me, and Pronounced in the Open Court in the 17th day of February 2026.

District Munsif,
Sankari.

Encl.:

Petitioner side Witness & Exhibits:-NIL

Petitioner side Witness & Exhibits:-NIL

District Munsif,
Sankari.

District Munsif Court, Sankari.
Draft / Fair Order
IA No.9/2026 in
O.S. No.144/2001
Date: 17.02.2026
